

Planning & Development Services Committee

Amended Agenda



March 5, 2020

1:15 pm

Members: Director Reinhardt (Chair), Director McCormick (Vice Chair), Director Gay, Director Doehle, Director Sosnowski, Director Walter, Director Clovechok, Director Wilkie, Director Pratt, Director Graham, Director Qualizza, Director Miller, Director Sterzer, Director Wilks

Voting Rules: Unless otherwise indicated on this agenda, all Directors except the Director representing the District of Elkford have one vote and a simple majority is required for a motion to pass.

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MINUTES OF THE PLANNING & DEVELOPMENT SERVICES COMMITTEE MEETING

**February 13, 2020
Regional District Office, Cranbrook, BC**

PRESENT:	Committee Chair C. Reinhardt Director M. Sosnowski Director S. Doehle Board Chair R. Gay Director J. Walter Director S. Clovechok Director G. Wilkie Alternate Director G. Taft Director D. McCormick Director A. Qualizza	Village of Radium Hot Springs Electoral Area A Electoral Area B Electoral Area C Electoral Area E Electoral Area F Electoral Area G District of Invermere City of Kimberley City of Fernie
ABSENT:	Director L. Pratt Director W. Graham Director A. Miller Director K. Sterzer	City of Cranbrook City of Cranbrook District of Invermere Village of Canal Flats
STAFF:	S. Tomlin S. Moskal R. Chippett	Chief Administrative Officer Corporate Officer Planning Assistant (Recording Secretary)

Call to Order

Committee Chair Clara Reinhardt called the meeting to order at 1:36 pm.

Adoption of the Agenda

MOVED by Director Sosnowski
SECONDED by Director Clovechok

THAT the agenda for the Planning & Development Services Committee meeting be adopted.

CARRIED

Adoption of the Minutes

January 9, 2020 Meeting

MOVED by Director Sosnowski
SECONDED by Director Clovechok

THAT the Minutes of the Planning & Development Services Committee meeting held on January 9, 2020 be adopted as circulated.

CARRIED

Alternate Director Gerry Taft joined the meeting at 1:38 pm.

Invited Presentations & Delegations

ALR Subdivision Application

Jean Terpsma, agent for Greg Jopp / Greg Whitman Heavy Hauling Ltd., gave a presentation and requested support of an application to subdivide land within the ALR to create five residential acreages. Mrs. Terpsma explained that a similar application was previously supported by the RDEK and the ALC but the subdivision was not completed due to the high cost of providing connections to the Edgewater Community Water system.

Mrs. Terpsma explained the property has limited agricultural capability, and with the new subdivision servicing requirements no longer requiring wells on parcels 8.0 ha and larger with a registered covenant, the applicant would like to re-apply for subdivision.

DVP No. 42-19

Jean Terpsma, agent for Matthew McArthur, gave a presentation and requested support to vary the requirement of the total parcel size for a subdivision to include area in a panhandle strip. Mrs. Terpsma explained the owner wants to subdivide property into two parcels between Sundown Lane and Stirling Road in Baynes Lake, and the panhandle access to Stirling Road is required for legal access.

Unfinished Business**Request for Reconsideration - Kootenay Dirt Riders Crown Land Licence of Occupation**

MOVED by Director Walter
SECONDED by Director Wilkie

THAT Resolution No. 48942 adopted on January 10, 2020, in support of the Kootenay Dirt Riders Crown Land Licence of Occupation, be rescinded.

Opposed: Director Clovechok, Director Gay, Director McCormick, Director Qualizza, Director Reinhardt, Director Sosnowski, and Director Wilks

DEFEATED

MOVED by Director Doehle
SECONDED by Director Walter

THAT a letter be sent to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development outlining the concerns the RDEK has heard from residents in regards to the Kootenay Dirt Riders Crown Land Licence of Occupation application for a trails and staging area recreation site in the Ta Ta Creek area and requesting that a public meeting be held to gather the views of area residents.

OPPOSED: Director Clovechok, Director Gay, Director McCormick, Director Qualizza, Director Reinhardt, Director Sosnowski, Director Wilks, and Alternate Director Taft

DEFEATED

New Business**Bylaw No. 2972 (Koocanusa West / Flood, Hopkins and C.D. Reay and Sons Ltd.)**

49018
MOVED by Director Doehle
SECONDED by Director Qualizza

THAT Bylaw No. 2972 cited as "Regional District of East Kootenay – South Country Zoning & Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 21, 2019 (Koocanusa West / Flood, Hopkins & C.D. Reay & Sons Ltd.) be introduced.

CARRIED

Alternate Director Gerry Taft declared a conflict on the next item noting his potential involvement with real estate transactions and left the meeting at 1:54 pm.

Edgewater / Greg Whitman Heavy Hauling Ltd. ALR Subdivision Application

49019
MOVED by Director Wilkie
SECONDED by Director Gay

THAT the Agricultural Land Commission be advised the RDEK supports the Greg Whitman Heavy Hauling Ltd. Agricultural Land Reserve subdivision application for property at 5050 Hewitt Road near Edgewater.

CARRIED

Alternate Director Gerry Taft returned to the meeting at 1:57 pm.

DVP No. 42-19 (Baynes Lake / McArthur)

49020

MOVED by Director Doehle

SECONDED by Director Clovechok

THAT consideration of Development Variance Permit No. 42-19 (Baynes Lake / McArthur) be postponed pending a meeting with the Ministry of Transportation and Infrastructure to discuss the requirement for a panhandle.

CARRIED

DVP No. 48-19 (Meadowbrook / Gyurkovits)

49021

MOVED by Director Walter

SECONDED by Director Gay

THAT Development Variance Permit No. 48-19 (Meadowbrook / Gyurkovits) be granted.

CARRIED

Discussion Item - Enforcement on Crown Land

The Committee discussed enforcement of recreation access and unauthorized activities on Crown land.

City of Cranbrook - Proposed 3rd St NW Boundary Expansion

49022

MOVED by Director Gay

SECONDED by Director Sosnowski

THAT the City of Cranbrook be advised that the RDEK supports the proposed two parcel boundary expansion on 3rd St NW as outlined in the January 3, 2020 correspondence from the City.

CARRIED

Road Closure Referral (Gold Creek / Graziano)

49023

MOVED by Director Gay

SECONDED by Director Clovechok

THAT the Ministry of Transportation and Infrastructure be advised the RDEK recommends support for the proposed closure of part of 22nd Avenue S for consolidation with Lot 49, District Lot 3558, Kootenay District, Plan 1261.

CARRIED

Adjournment

The meeting adjourned at 2:52 pm.

Committee Chair Clara Reinhardt

Shannon Moskal, Corporate Officer

Rhiannon Chippett

Subject:

FW: Delegation Request - March 5, 2020 - Planning & Development Services
Committee Meeting

Hello Rhiannon,

I will appear for this meeting as a Delegation.

I will bring three presentation boards and will speak to the rationale for the proposed zoning amendment from C-1 to R-1(B).

I expect that my presentation will require no more than 10 minutes.

Reto Barrington
President - KV Properties Inc.

Rhiannon Chippett

From: Richard Haworth <richard@haworthconsulting.ca>
Sent: February 14, 2020 1:47 PM
To: Rhiannon Chippett
Subject: Delegation Request - 1129759 AB Ltd. Westside Road
Attachments: 20-02-13 Westside Road GRL.pptx

Follow Up Flag: Follow up
Flag Status: Flagged

Rhiannon,

We are submitting this request to appear as a delegation at the March 5th Planning Committee meeting regarding our zoning application for 1129759 AB Ltd. Westside Road.

The applicant is seeking to rezone the property to permit the development of residential acreage lots not less than 1.0 ha (2.47 acres). To facilitate this development, we are seeking to rezone the subject property from A-1 (Rural Resource) to SH-2 (Small Holdings Semi-Rural). The property is currently designated as SH (Small Holdings) in the Lake Windermere Official Community Plan. Not more than 16 building lots are proposed for the property.

The property includes a steep slope that extends down toward Lake Windermere. The applicant is proposing to provide a no-build / no vegetation removal covenant over these steep lands (see plan attached) to protect the view from Lake Windermere. The applicant is also proposing a 10m buffer along the south property line to screen the proposed home sites from view (and to protect the view into the home sites). These buffer areas total approximately 9.6 ha (23.5 acres) and represent approximately 50% of the property which will be protected by covenant.

All new lots will be serviced with a domestic well. The applicant has drilled test wells on the property. These wells have confirmed that there is suitable water supply for the proposed new lots.

The applicant is proposing to provide on-site septic for the lots. It has not been confirmed to date whether this will be individual septic for each lot, or a community septic system for all or a portion of the lots.

The Lake Windermere OCP was adopted by the RDEK in November 2019. The OCP sets out policies related to development in the Westside Subarea. The residential section of the OCP identifies this parcel specifically and states that rezoning of the property to allow infill rural acreages may be supported, subject to the following conditions:

- i. Consideration of a vegetated buffer, greenspace or extended building setbacks for new parcels adjacent to existing small holdings;
- ii. Proof of the provision of potable water;
- iii. Servicing by a community sewer system is strongly encouraged; and
- iv. No net loss of the grassland ecosystem.

We have considered these conditions in the design of the proposed subdivision as follows:

- i. A 10.0m greenspace buffer is proposed along the south boundary of the property to ensure suitable separation between the proposed residential lots and existing small holdings parcels.
- ii. Western Water Associates has reviewed the potential for drilling wells on the property and has determined that there is good potential to obtain potable water as required in accordance with the RDEK Subdivision Servicing Bylaw. Three wells to date have been drilled on the property with production rates of 10 USgpm, 15 USgpm and 3 USgpm. These production rates exceed the minimum requirements of the RDEK.

Rhiannon Chippett

From: Richard Haworth <richard@haworthconsulting.ca>
Sent: February 14, 2020 2:02 PM
To: Rhiannon Chippett
Subject: Delegation Request - Fenwick
Attachments: 20-02-14 Fenwick DVP.pptx

Follow Up Flag: Follow up
Flag Status: Flagged

Rhiannon,

We are submitting this request to appear as a delegation at the March 5th Planning Committee meeting regarding our DVP application for the Fenwick/Malacko property in the Tie Lake area.

The applicant is proposing to subdivide the lands into two lots so that each of the existing homes reside on a single parcel. No new density is proposed as a result of this subdivision. The subdivision is solely to recognize the two existing homes.

The existing cabin occupied by Thomas and Brenda Fenwick has an existing septic field that is fully operational. Water is obtained from an existing cistern.

The existing cabin occupied by Frances and Brian Malacko is not serviced with a septic system or a water system. The cabin has no potable water (ie. no internal plumbing) and utilizes an outhouse for septic.

Proposed Lot 1 (west ½ of Lot 27, Fenwick) has an existing septic field. We are requesting a variance to allow the Fenwicks to continue to use the existing water cistern.

We are also seeking to obtain a DVP to waive the requirements for proof of potable water and septic service to Proposed Lot 2 (east ½ of Lot 27, Malacko).

The Malacko cabin on proposed Lot 2 is a seasonal cabin with no water service and minimal septic (an outhouse). While this is not optimal, there are limitations on the ability of the parties to meet with RDEK's subdivision servicing requirements through this subdivision process. Brian Malacko, Frances Malacko and the Estate of Ernest Malacko are undertaking this subdivision against their wishes.

We request that, given the minimal nature of this seasonal cabin, the RDEK grant a development variance permit to waive the requirement for water and sewer services for Lot 2 until such time as a building permit is obtained for any addition or construction of a new residence on the property.

Our powerpoint presentation is attached.

If you require anything further, please contact me at your convenience.

Thanks,
Richard Haworth

HAWORTH | Development
Consulting

Rhiannon Chippett

Subject: FW: 5771 Wycliffe Perry Creek Road
Attachments: Variance Fact Sheet.docx; Keeler & Kreutzer DVP Presentation.pptx

Hello Shannon,

Rhiannon gave us a list of what you require from us for the

1. An executive summary or outline of the presentation to be made;
2. The name of the designated speaker(s);
3. The specific action which is being requested of the Board or Committee; and
4. Whether or not you will require use of audio/visual equipment.

Response to above

1. Attached is the summary of the presentation we would like to make "Variance fact sheet"
2. Justin Keeler will be Speaking
3. We are requesting a set back variance
4. We have a 5 slide power point presentation "Keeler & Kreutzer DVP Presentation"

Please let me know if this is all that is required and if you have any questions.

Thanks,
Ty Kreutzer

Kootenay Canine Adventures

Thanks,
Ty Kreutzer

Kootenay Canine Adventures
5771 Wycliffe Perry Creek Rd
250.426.5505
WWW.KOOTENAYCANINE.CA



Rhiannon Chippett

Subject: FW: RDEK Planning & Development Services Committee Meeting on March 5, 2020.

Good morning Shannon.

I am writing to you on behalf of 977230 Alberta Ltd.

Their application for a roadway over Crown land has been referred to the Regional District for input.

It is my understanding from correspondence received from RDEK that this application will be considered at the March 5th meeting noted above.

Mr. Dennis Hockett would like to appear before the committee, primarily to answer any questions which may arise.

Dennis can make brief comments on the background for the application if it would be beneficial and will be available to answer any questions. I will be attending that meeting as well.

The application provided to MFLNRORD includes detailed information on the request, so a presentation should not be required.

The primary purpose in attending is to ensure that any questions which may arise are answered.

If you need more information to include this application on the agenda, please let me know.

Thanks and have a great day.

Lorraine Schmidt
Burwell Avenue Land Consulting
229-13th Avenue South
Cranbrook BC V1C 2V7



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

February 13, 2020

ALC File: 59691

Jenna Terpsma
Terpsma Land Development Consulting

DELIVERED ELECTRONICALLY

Dear Jenna Terpsma:

Re: Application 59691 to conduct a non-farm use in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Kootenay Panel for the above noted application (Resolution #62/2020). As agent, it is your responsibility to notify the applicant(s) accordingly.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence with respect to this application to ALC.Kootenay@gov.bc.ca.

Yours truly,

A handwritten signature in black ink, appearing to read 'Katie Cox', is written over a light blue horizontal line.

Katie Cox, Land Use Planner

Enclosures: Reasons for Decision (Resolution #62/2020)
Schedule A: Decision Map
Schedule B: Fencing

cc: Regional District of East Kootenay (File P 719 605)

59691d1



AGRICULTURAL LAND COMMISSION FILE 59691
REASONS FOR DECISION OF THE KOOTENAY PANEL

Non-Farm Use Application Submitted Under s. 21(2) of the *Agricultural Land Commission Act*

Applicant:

George Lautrup
Jeanette Lautrup

Agent:

Jenna Terpsma
Terpsma Land Development Consulting

Property:

Parcel Identifier: 015-926-681
Legal Description: Part of Lot 14, District Lot 353 and
9040, Kootenay District, Plan 1164 except Plan R317
Civic: 5550 Highway 95, Edgewater, BC
Area: 7.8ha

Panel:

David Zehnder, Kootenay Panel Chair
Ian Knudsen
Jerry Thibeault

OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] The Property is bisected by 62 Mile Road and contains a single family residence and hay cultivation in the southwest portion of the Property and truck parking in the northeast portion of the Property. The northeast portion of the Property has been historically impacted by various industrial uses.
- [3] Pursuant to s. 21(2) of the ALCA, the Applicants are applying to the Agricultural Land Commission (the "Commission") to use 2.0 ha of the 7.8 ha Property to establish a public works yard contracted by Emcon Services for storage, parking, and maintenance of materials and equipment related to highway maintenance (the "Proposal"). The Proposal includes a 0.1 ha ($\pm 250 \text{ m}^3$) stock pile of sand with a 3% salt mix for road maintenance, and a new 139.4 m^2 (1500 ft^2) maintenance building.
- [4] The issue the Panel considered is whether the Proposal would impact the agricultural utility of the Property.
- [5] The Proposal was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA. These purposes are:
- (a) to preserve the agricultural land reserve;
 - (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.



EVIDENTIARY RECORD

- [6] The Proposal along with related documentation from the Applicants, Agent, local government, third parties, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.

BACKGROUND

- [7] In 1998, Application ID 9880 was submitted to the Commission by the Applicants to establish a portable sawmill on the eastern portion of the Property to cut railroad ties, small squares, and fire wood. The waste would be chopped and hauled to Golden. The Commission considered that the proposal would have minimal impact due to the proposal area having secondary agricultural capability, and that it was buffered from surrounding agricultural lands by bluffs and ravines. The Commission approved the proposal by Resolution #363/98 subject to reclamation of the site to the same or better agricultural standard at the time the portable sawmill ceases permanently.
- [8] In 2007, Application ID 43856 was submitted to the Commission to subdivide a 2.3ha lot from the 7.7ha subject property. The subdivision of the proposed 2.3 ha lot would follow the height of land and road right-of-way and contain the existing sawmill. The Commission considered that the land under application has good agricultural capability and is appropriately designated as ALR, that the existence of a large ridge through the property limits its suitability for agricultural use as a single unit, and that the proposal will not negatively impact agriculture. The Commission approved the proposal by Resolution #232/2007 subject to the sawmill being removed and the land reclaimed to the same or better agricultural standard as existed pre-construction. The subdivision was never completed and approval expired in 2010.
- [9] In 2013, Application ID 53102 was submitted to the Commission by the Applicants to use approximately 2 ha of the 7.7 ha Property to park trucks. The Commission considered that the area proposed for truck parking has secondary agricultural capability and debilitated due to long term sawmilling activities. The Commission noted that the subdivision approved by

Resolution #232/2007 had never been finalized and that the existing sawmill use precluded an agricultural future for the 2.3 ha site. The Commission considered that there would be minimal impact to adjacent agricultural land and approved the proposal by Resolution #300/2013 for a 6 year period. The approval expires on February 17, 2020.

EVIDENCE AND FINDINGS

Issue: Whether the Proposal would impact the agricultural utility of the Property.

[10] To assess agricultural capability on the Property, the Panel referred to agricultural capability ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings applicable to the Property are Class 2, Class 4, and Class 6; more specifically (5:4T-2:2X-3:6T) and 6T. The proposed area for non-farm use is unimprovable Class 6T.

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

The limiting subclasses associated with this parcel of land are T (topographic limitations) and X (a combination of soil factors).

[11] Based on the agricultural capability ratings, the Panel finds that the Property has mixed prime and secondary agricultural capability.

[12] At its meeting of December 6, 2019, the Regional District of East Kootenay Board resolved to support the Proposal and authorized it to proceed to the ALC. The Proposal is

inconsistent with the RDEK Official Community Plan (OCP) designation and the A-2 Rural Residential (Country) zoning for the parcel; therefore the Proposal would require a rezoning text amendment to the zoning bylaw for Edgewater. The RDEK previously rezoned the 2.0 ha Proposal Area on the Property to allow truck parking in 2015 following ALC Resolution #300/2013. The Applicants have already applied for a rezoning of the Proposal Area to allow for a public works yard.

- [13] The Panel considered the limited agricultural capability of the Proposal Area and that it has originally been debilitated by a sawmill and truck parking, which were approved non-farm uses as per ALC Resolutions #363/98 and #300/2013. The Panel also considered that the non-farm use approval for Resolution #300/2013 expires on February 17, 2020.
- [14] The Application submits that the Proposal Area is separated from the remainder of the Property by a road and steep hill and is buffered from adjacent properties by topography and trees. The Panel considered the existing agricultural use of the Property and finds that the continued non-farm use of 2.0 ha of the Property does not discourage farming on the remainder. The Panel further considered that the Proposal Area could be utilized for farming infrastructure in the future and finds that fencing the Proposal Area would be beneficial in both separating it from adjacent agricultural lands and for potential future agricultural infrastructure.
- [15] The Proposal includes a 0.1 ha ($\pm 250 \text{ m}^3$) stock pile of sand with 3% salt for winter road maintenance. In the Panel's experience, salt leachate can have serious implications for the agricultural capability of soils. The Panel finds that the stock pile must be effectively contained in order to prevent salt leachate into the ground.
- [16] The Panel finds that due to the historic non-farm uses and siting of the Proposal Area and the ongoing agricultural activities on the Property, use of the Proposal Area for a works yard would not negatively affect the agricultural utility of the Property if limited to the Proposal Area and measures are taken to prevent leachate of salts into the soil.

DECISION

- [17] For the reasons given above, the Panel approves the Proposal to establish a 2.0 ha public works yard for highway maintenance subject to the following conditions:
- a. Approval of the non-farm use is permitted for a period of fifteen (15) years following the date of this decision;
 - b. Siting of the non-farm use in accordance with Schedule A;
 - c. The 0.2ha non-farm use area depicted on Schedule A: Decision Map must be reclaimed to an agricultural capability as good as is considered feasible in the opinion of a qualified professional once the non-farm use permanently ceases;
 - d. A closure report, prepared as per ALC Policy P-10: Criteria for Agricultural Capability Assessments, by a qualified registered professional for the Commission's review and approval, confirming that the 0.3 ha Parking Area depicted on Schedule A: Decision Map has been reclaimed to an agricultural capability as good as is considered feasible in the opinion of a qualified professional;
 - e. The closure report must be submitted to the Commission within one year from the date the non-farm use ceases;
 - f. The registration of a covenant in favour of the Commission for the purpose of constructing and maintaining a chain link fence to separate the non-farm use area from adjacent agricultural lands in accordance with Schedule A & B;
 - g. The stock pile of sand and salt must be stored within containment infrastructure consisting of an impermeable liner under a steel roof walled in by concrete lock blocks;
 - h. Appropriate weed control measures must be practiced on all disturbed areas;
 - i. Any expansion will require a new application to the Commission.
- [18] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.
- [19] These are the unanimous reasons of the Panel.



[20] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

[21] Resolution #62/2020

Released on February 13, 2020

A handwritten signature in black ink, appearing to read 'D. Zehnder', written in a cursive style.



David Zehnder, Panel Chair

On behalf of the Kootenay Panel



Schedule A: Agricultural Land Commission Decision Sketch Plan
ALC File 59691 (Lautrup)
Conditionally Approved Non-Farm Use
ALC Resolution #62/2020



	The Property
	Conditionally Approved ± 2.0 ha Non-Farm Use
	Approximate Fence Location



SCHEDULE D: FENCING SPECIFICATIONS

D.6: Chain Link Fence

1. Line posts shall be constructed from 2" standard galvanized steel pipe (0.125" wall thickness), 8.5 ft. in length. Galvanized to CSA G164 standard.
2. Corner and straining posts shall be constructed from 2.5" standard galvanized steel pipe (0.125" wall thickness), 10 ft. in length. Galvanized to CSA G164 standard.
3. Diagonal corner bracing shall be constructed from 1.25" standard galvanized steel pipe. Galvanized to CSA G164 standard.
4. Posts shall be securely anchored in the soil to depths as indicated in the Schedule D.6 drawings using 2,500 P.S.I. concrete extending from the soil surface to 6" below the bottom of the post. Posts shall be spaced no more than 8.0 ft. O.C.
5. The chain link fencing material shall meet the following specifications:
 - 5.1 Minimum height - 5'-8"
 - 5.2 Minimum wire gauge - 11.0 A.W.G.
 - 5.3 Maximum mesh size - 2"
 - 5.4 Be galvanized (to CSA G164) or plastic coated
6. The barbed wire fencing material shall meet the following specifications:
 - 6.1 Number of strands - 2
 - 6.2 Minimum wire gauge - 12.5 A.W.G.
 - 6.3 Maximum spacing between barbs - 6"
 - 6.4 Number of points per barb - 4
 - 6.5 Galvanized - CSA G164
7. All accessory materials shall meet the following specifications:
 - 7.1 Post caps and extension arms: of pressed steel or cast or malleable iron and galvanized to CSA G164 standard.
 - 7.2 Tension wire: bottom and top wires 6.0 gauge medium tensile galvanized wire.
 - 7.3 Tie wire: 9.0 gauge aluminum wire for mesh fixing to line posts.
 - 7.4 Hog ring clips: 9.0 gauge galvanized steel wire clips for mesh fixing to top and bottom tension wires.
 - 7.5 Tension bar: minimum 1/4" x 3/4" galvanized mild steel flat bar.
 - 7.6 Tension bands: 1/8" x 3/4" galvanized formed mild steel flatbars with galvanized bolts and nuts for all tension bar fixing.
8. All terminal posts (posts at ends, corners or intersections), all line posts and any intermediate tensioning posts shall be set plumb into concrete footings in augured or dug holes to the depths and regular spacing as indicated in the Schedule D.6 drawings.



SCHEDULE D: FENCING SPECIFICATIONS

D.6: CHAIN LINK FENCE (continued)

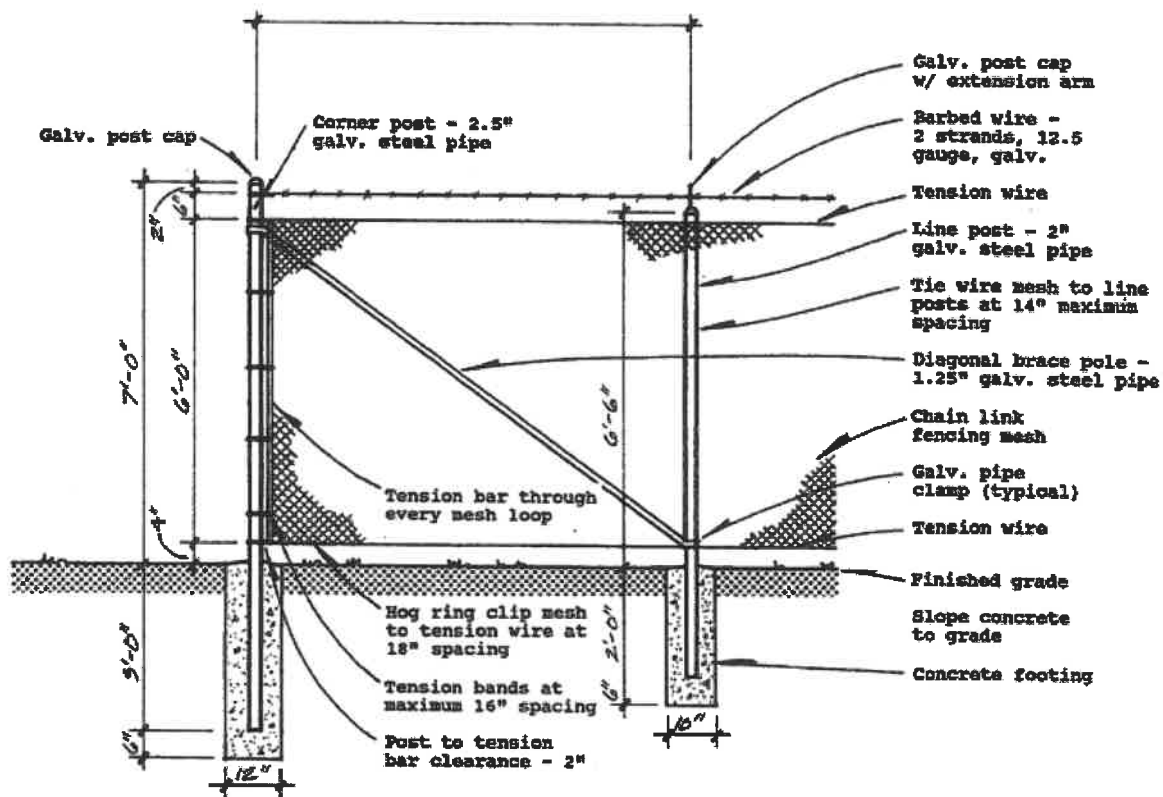
9. All posts shall be securely fitted with the appropriate weathertight caps and extension arms as shown in the schedule D.6 drawings.
10. Top and bottom tension wires shall be securely fixed taut and sag free to terminal posts and any intermediate tensioning posts. Top tension wire shall pass through line post tops.
11. Intermediate tensioning assemblies shall be provided where terminal posts are more than 500.0 ft. apart, and at any subsequent 500.0 ft. spacing, to consist of a straining post with diagonal pipe braces to adjoining line posts each way. (see Schedule D.6 drawings)
12. Chain link fencing mesh shall be stretched between terminal posts and any intermediate tensioning posts using proper equipment, and secured with tension bars and bands, tie wire and clips all in accordance with the requirements of the Schedule D.6 drawings. Joins in the length of wire mesh shall be made by weaving the mesh together with a single wire picket to form a neat continuous mesh.
13. Barbed wire shall be installed in the slots of all extension arms and secured to extension arms at terminal and intermediate tensioning posts taut and free of sags.
14. The fence shall be constructed in accordance with these specifications and details provided in the Schedule D.6 drawings which forms part of these specifications.



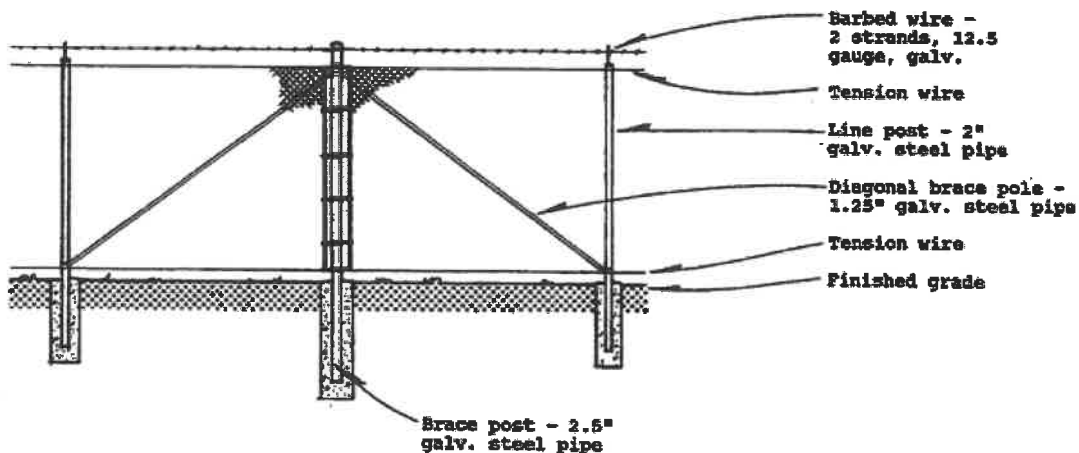
SCHEDULE D: FENCING SPECIFICATIONS

D.6: Chain Link Fence

Terminal Tensioning Assemblies



Intermediate Tensioning Assemblies



Subject Development Services – Planning Monthly Report

Month March 2020

STATISTICS (January 16 – February 15, 2020)

	2020	2019
INQUIRIES	283	346
BUILDING CHECKS	28	34

	----- ELECTORAL AREAS ----- -----						YEAR	
	A	B	C	E	F	G	2020	2019
Agricultural Land Reserve		1		1			2	0
Bylaw Amendments (Zoning / Land Use / OCP)			1		1		2	2
DP			1		4		5	4
DVP / Bd. of Variance		1	1				2	7
Subdivision	1		1		1		3	1
MFLNRO Referrals		1					1	2
Other Agency Referrals (MoTI / Liquor Control etc.)							0	2
Other Permits & Agreements (Housing Agreements / Temp. Use / Floodplain Exemptions / Campground)							0	1
TOTALS 2020	1	3	4	1	6	0	15	
TOTALS 2019	0	3	6	3	6	1		19

Investment Readiness & Employment Lands Workshop

Staff attended the Selkirk College RDI hosted workshop for the Columbia Valley on February 12th.

Koocanusa Crown Land Recreation

The Steering Committee met on February 13th to review the results of the November open houses and discuss the potential management strategies for the remainder of the area.

Panorama Area OCP

The public comment period on the draft OCP has now ended. The next steps in the process will be to review the comments received and make revisions to the proposed OCP. A summary of the comments received and proposed areas of revision will be posted on the Engage website. It is anticipated that the OCP will be presented to the Board in May.

Steamboat Jubilee Mountain OCP

The Community Ideas & Feedback Survey which was an opportunity for community input has now closed. The information collected will be presented along with draft policies and proposed ESA Development Permits and associated mapping at a public meeting on March 24th in Edgewater.



File: 18046-40/East Kootenay Operating Plan 21

February 28, 2020

Regional District of East Kootenay
19 24th Ave S
Cranbrook, BC V1C 3H8
amcleod@rdek.bc.ca

Dear Andrew McLeod:

RE: BCTS Operating Plan 21

BC Timber Sales, Kootenay Business Area, wishes to proceed with final cutblock and road development leading to the harvesting of timber and construction of access roads. You have indicated an interest in receiving a referral for our development.

This proposal is available for your review at the following location:

- BCTS, East Kootenay Field Team, Rocky Mountain Forest District Office, 1902 Theatre Rd, Cranbrook B.C. Viewing by appointment during regular business hours, Monday to Friday, 8:30 AM – 4:30 PM. To arrange an appointment please contact either Darren Hayes (Planning Forester, Darren.Hayes@gov.bc.ca) or Carolyn Krawchuk (Woodlands Supervisor, Carolyn.M.Krawchuk@gov.bc.ca).
- Maps showing the general location of the proposed development can be viewed on the web at http://bit.ly/Op_21_FTEK. These files are best viewed by right clicking and choosing "save target as ..."

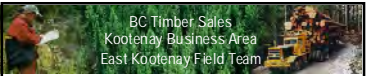
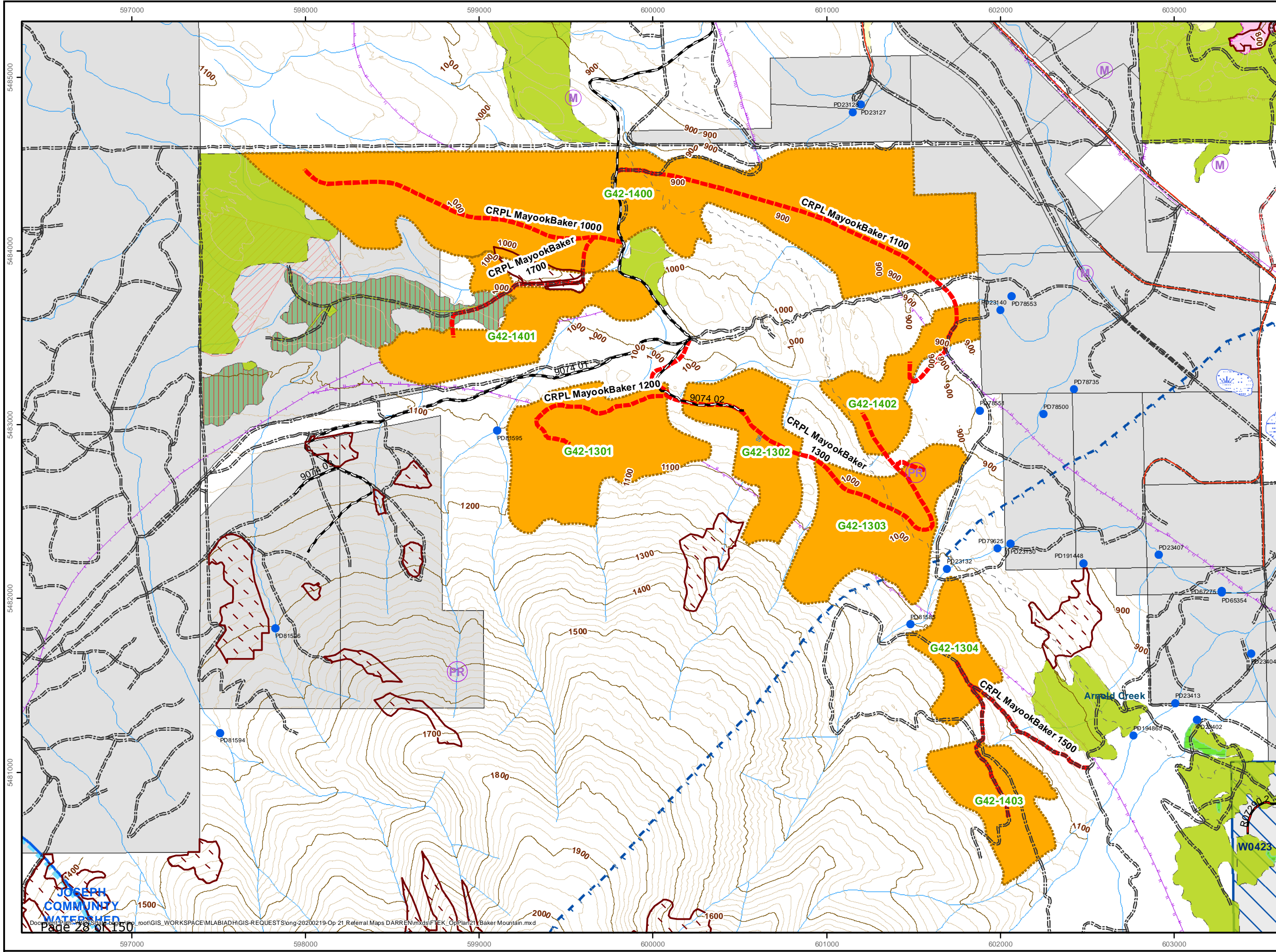
The shape/size of the proposed harvesting and roads are our best estimate at this time and may change as BCTS gathers more information.

I would appreciate any feedback you can provide which would improve the decision making process, and hopefully, we can address concerns you may have prior to harvesting these areas. Please provide written questions or comments to me by May 1, 2020.

Yours truly,

Darren Hayes, RPF
Planning Forester (TA)
Email: Darren.Hayes@gov.bc.ca
Phone: 250-420-2180

Page 1 of 2



Operating Plan #21 - Baker Mountain

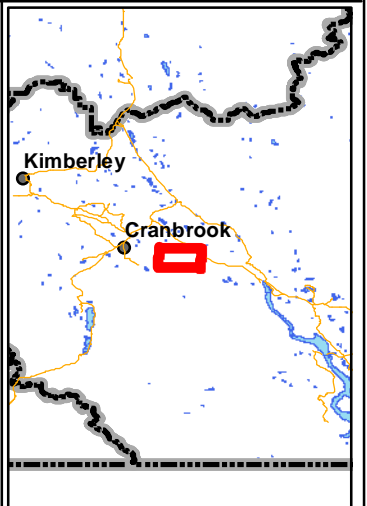
Proposed Roads and Blocks

- Proposed Road
- Proposed Block

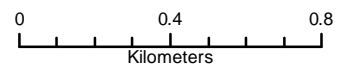
- Point Of Diversion
- Prev. Refer. Roads
- Major Highway
- FSR
- RP
- Other. Exist. R
- Proposed R
- Deactivated R
- Recreation Trail

- Approved Block
- Regenerating Block
- Free to Grow Block
- Old Growth Management Area
- Retention (WTRA, TIM,...)
- Other Reserves
- Private land
- Recreation Area
- Parks and Protected Areas

- Domestic Watershed
- Community Watershed
- Ungulate Winter Ranges
- Wildlife Habitat Area
- VQO: Retention
- VQO: Partial Retention



Important: Proposed blocks and roads are preliminary planning shapes only; final block boundaries and road locations, shape, size and reserve timber will be determined following field work and assessments.

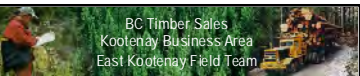
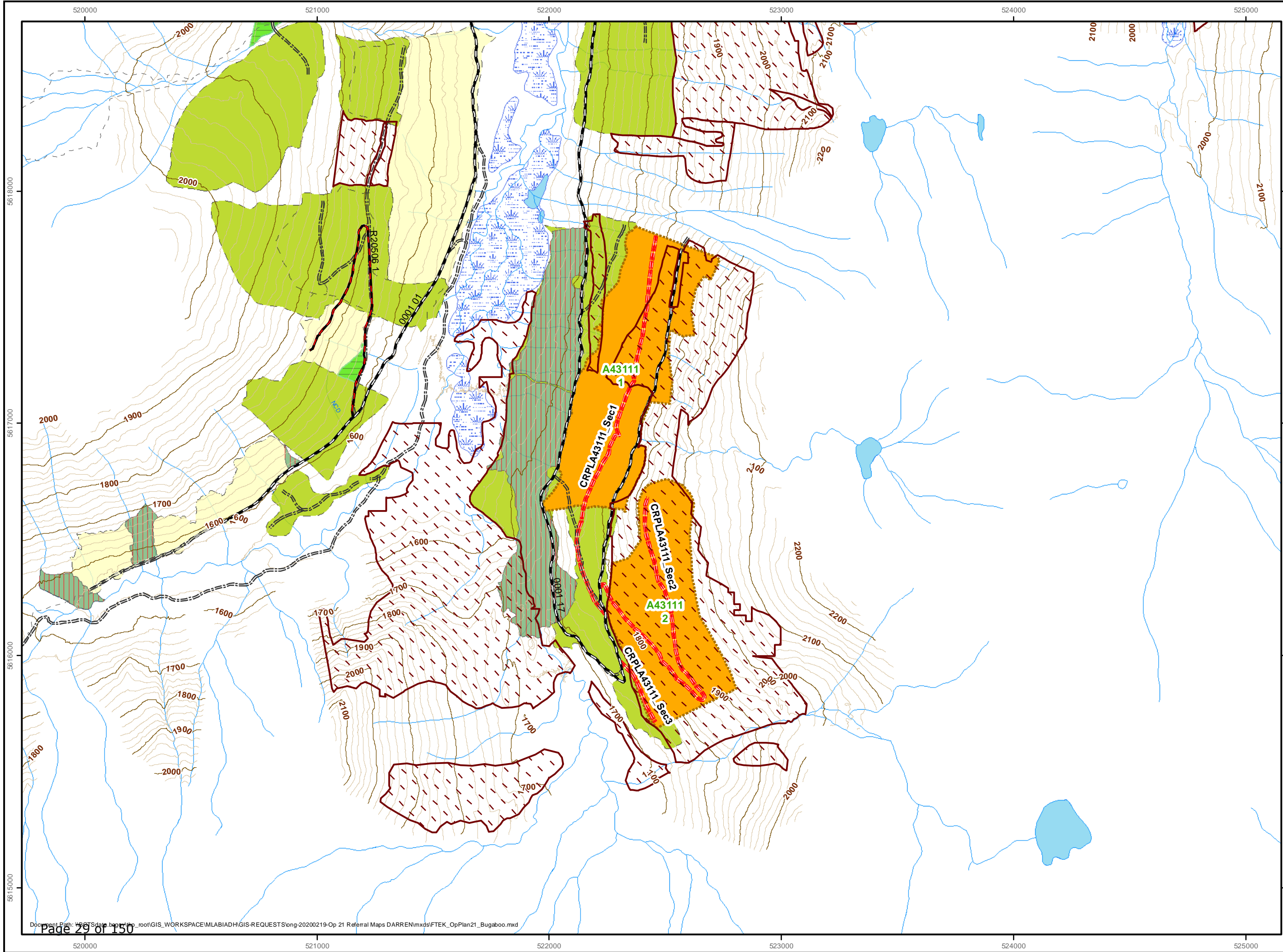


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Creation: February 19, 2020





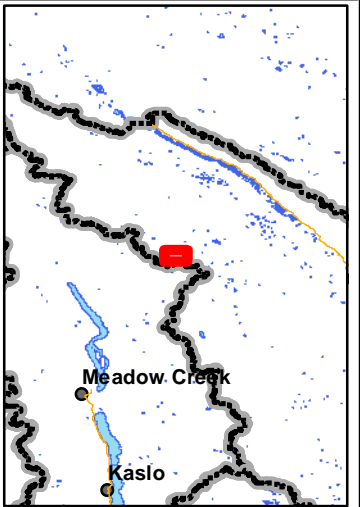
**Operating Plan #21
- Bugaboo**

Proposed Roads and Blocks

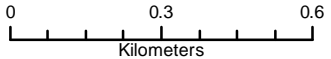
- Proposed Road
- Proposed Block

- Point Of Diversion
- Prev. Refer. Roads
- Major Highway
- FSR RP == Other. Exist. R
- Proposed R X-X Deactivated R
- Recreation Trail
- Approved Block
- Regenerating Block
- Free to Grow Block
- Old Growth Management Area
- Retention (WTRA, TIM,...)
- Other Reserves
- Private land
- Recreation Area
- Parks and Protected Areas

- Domestic Watershed
- Community Watershed
- Ungulate Winter Ranges
- Wildlife Habitat Area
- VQO: Retention
- VQO: Partial Retention



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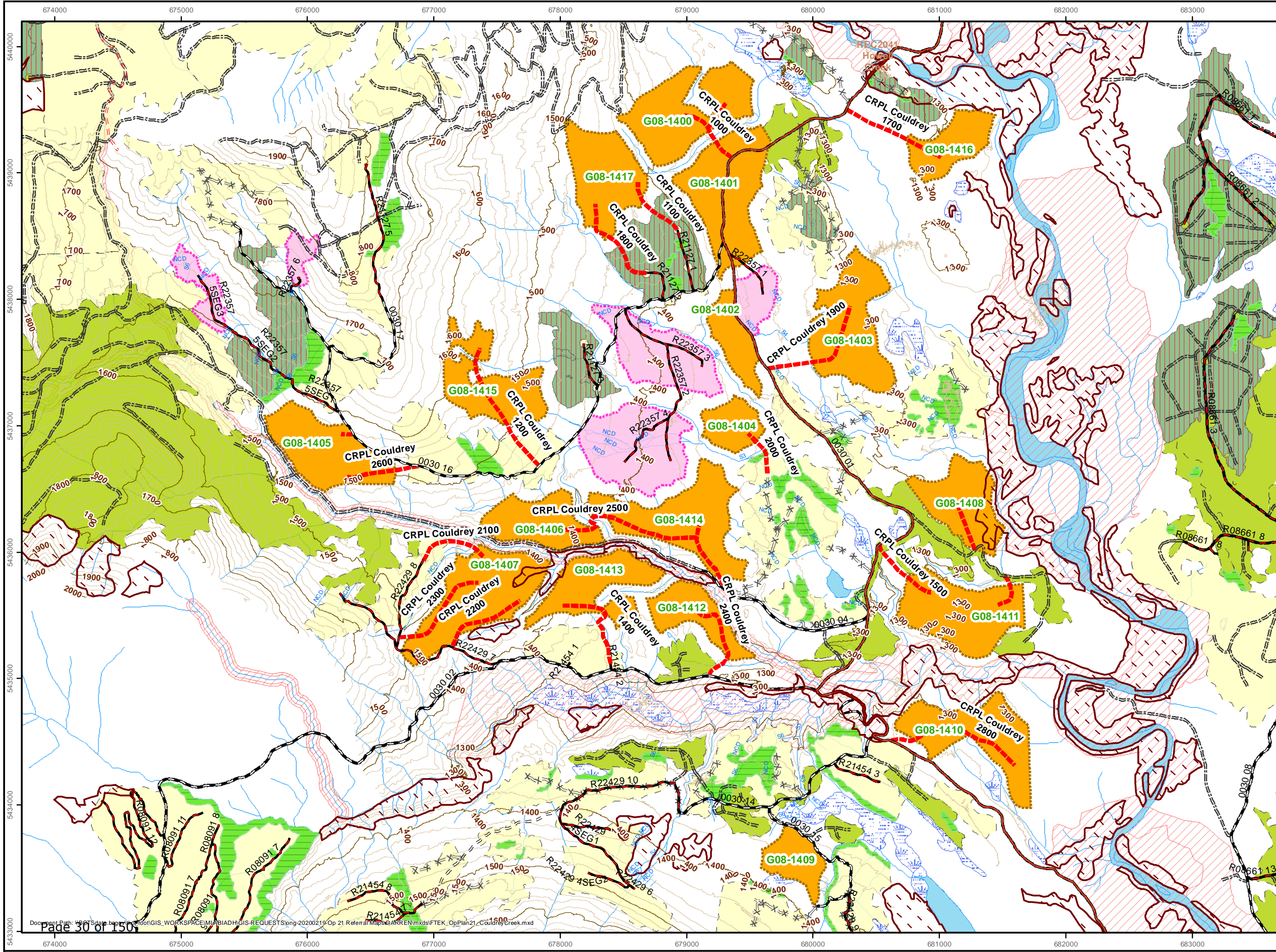


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Date of Print File
Creation: **February 19, 2020**



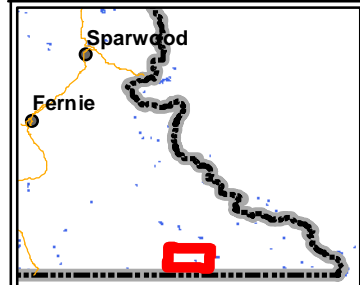


Operating Plan #21 - Coudrey Creek

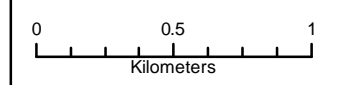
Proposed Roads and Blocks

- Proposed Road
- Proposed Block

- Point Of Diversion
- Prev. Refer. Roads
- Major Highway
- FSR
- RP
- Other. Exist. R
- Proposed R
- Deactivated R
- Recreation Trail
- Approved Block
- Regenerating Block
- Free to Grow Block
- Old Growth Management Area
- Retention (WTRA, TIM,...)
- Other Reserves
- Private land
- Recreation Area
- Parks and Protected Areas
- Domestic Watershed
- Community Watershed
- Ungulate Winter Ranges
- Wildlife Habitat Area
- VQO: Retention
- VQO: Partial Retention



Important: Proposed blocks and roads are preliminary planning shapes only; final block boundaries and road locations, shape, size and reserve timber will be determined following field work and assessments.

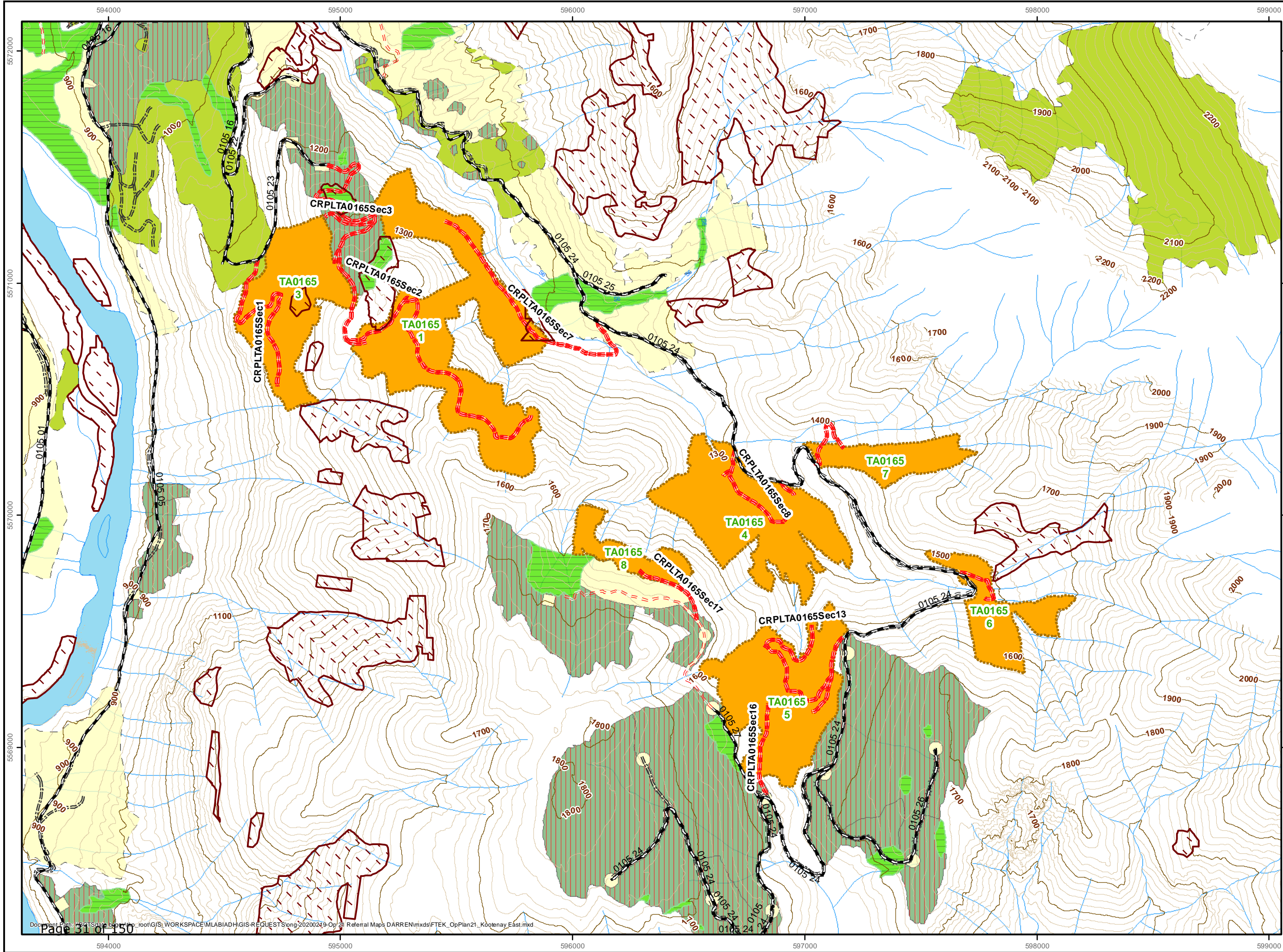


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Date of Print File
Creation: February 19, 2020

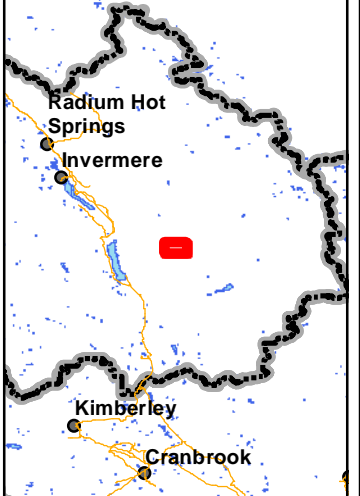




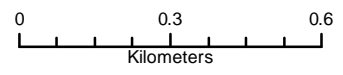
Operating Plan #21 - Kootenay East

Proposed Roads and Blocks

- Proposed Road
- Proposed Block
- Point Of Diversion
- Prev. Refer. Roads
- Major Highway
- FSR
- RP
- Other. Exist. R
- Proposed R
- Deactivated R
- Recreation Trail
- Approved Block
- Regenerating Block
- Free to Grow Block
- Old Growth Management Area
- Retention (WTRA, TIM,...)
- Other Reserves
- Private land
- Recreation Area
- Parks and Protected Areas
- Domestic Watershed
- Community Watershed
- Ungulate Winter Ranges
- Wildlife Habitat Area
- VQO: Retention
- VQO: Partial Retention



Important: Proposed blocks and roads are preliminary planning shapes only; final block boundaries and road locations, shape, size and reserve timber will be determined following field work and assessments.

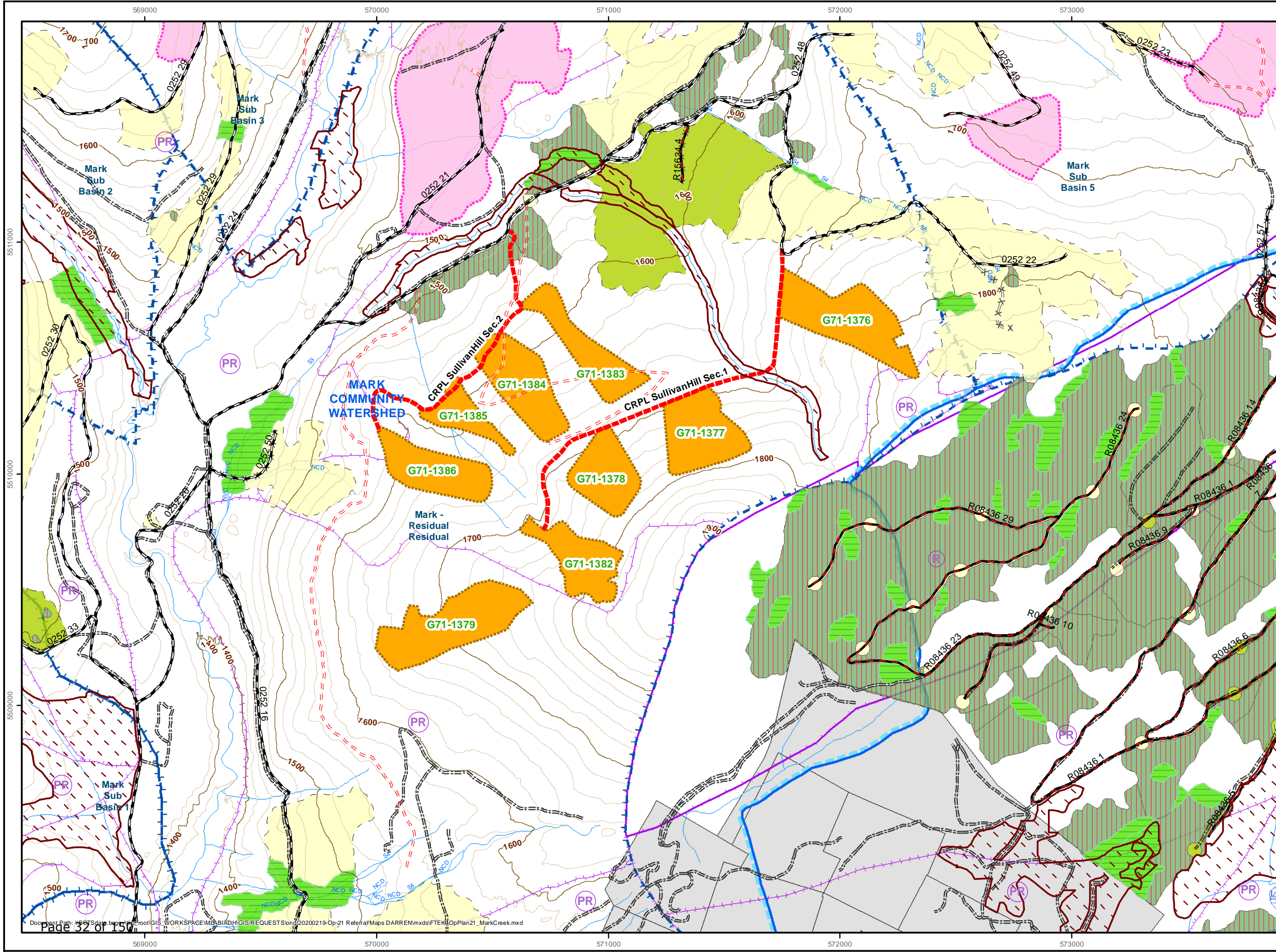



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Date of Print File
Creation: February 19, 2020







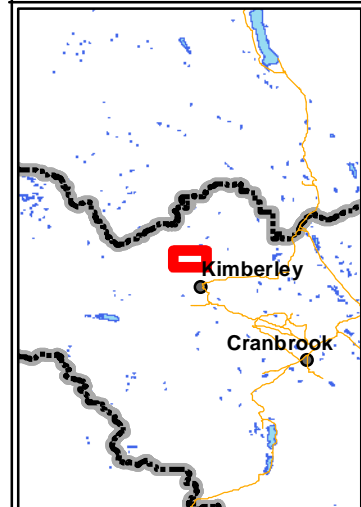
Operating Plan #21 - Mark Creek

Proposed Roads and Blocks

- Proposed Road
- Proposed Block

- Point Of Diversion
- Prev. Refer. Roads
- Major Highway
- FSR
- RP
- Other. Exist. R
- Proposed R
- Deactivated R
- Recreation Trail
- Approved Block
- Regenerating Block
- Free to Grow Block
- Old Growth Management Area
- Retention (WTRA, TIM,...)
- Other Reserves
- Private land
- Recreation Area
- Parks and Protected Areas

- Domestic Watershed
- Community Watershed
- Ungulate Winter Ranges
- Caribou Winter Range
- VQO: Retention
- VQO: Partial Retention





Important: Proposed blocks and roads are preliminary planning shapes only; final block boundaries and road locations, shape, size and reserve timber will be determined following field work and assessments.

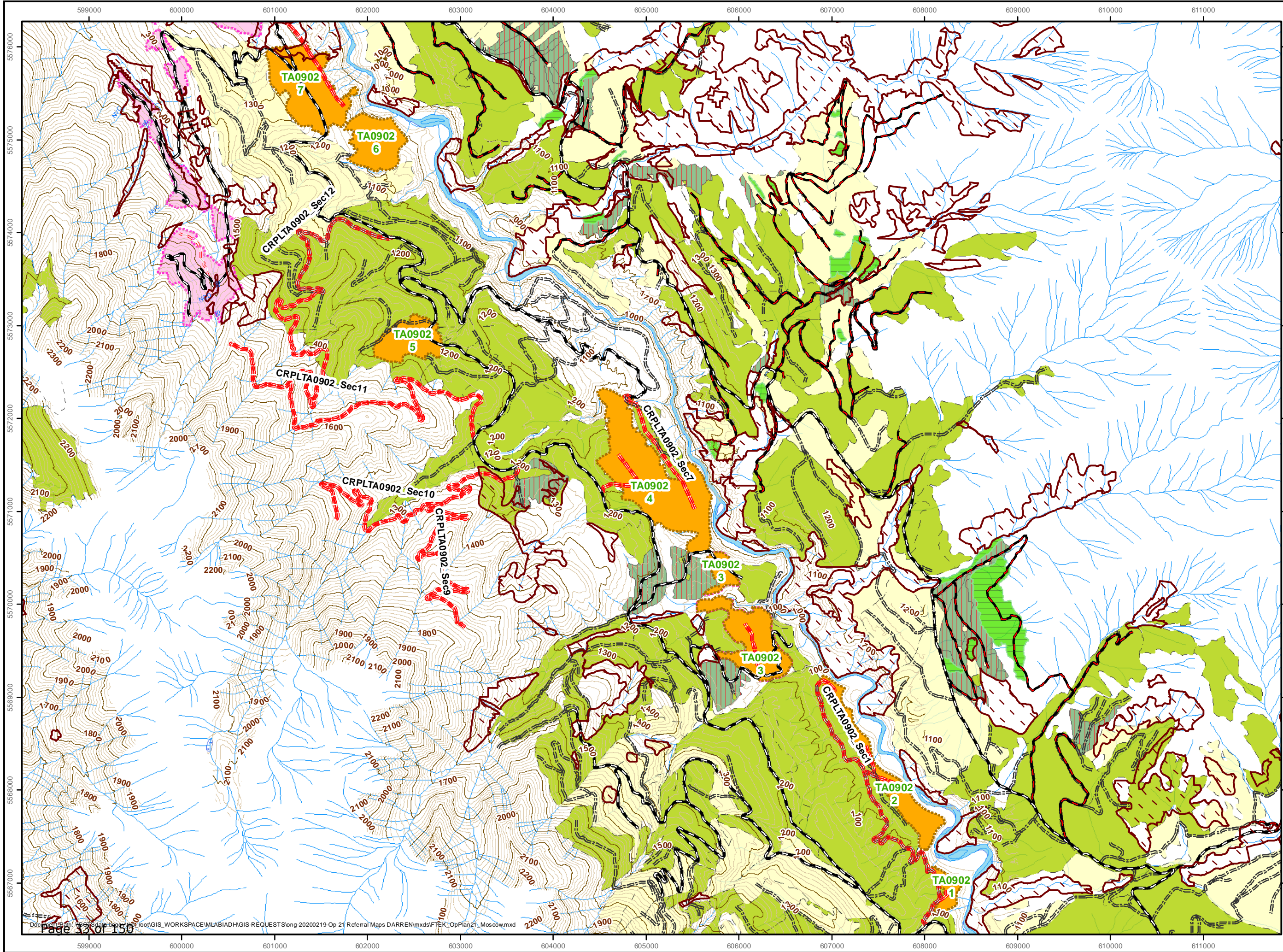
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Date of Print File
Creation: **February 19, 2020**

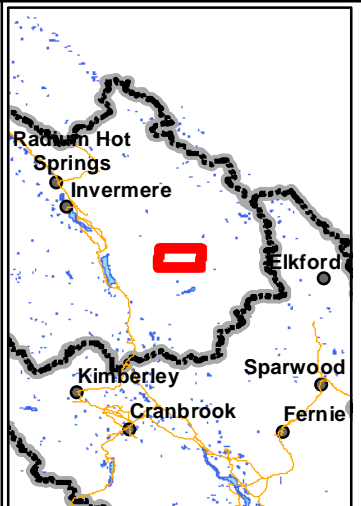




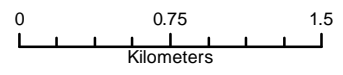
Operating Plan #21 - Moscow

Proposed Roads and Blocks

- Proposed Road
- Proposed Block
- Point Of Diversion
- Prev. Refer. Roads
- Major Highway
- FSR
- RP
- Other Exist. R
- Proposed R
- Deactivated R
- Recreation Trail
- Approved Block
- Regenerating Block
- Free to Grow Block
- Old Growth Management Area
- Retention (WTRA, TIM,...)
- Other Reserves
- Private land
- Recreation Area
- Parks and Protected Areas
- Domestic Watershed
- Community Watershed
- Ungulate Winter Ranges
- Wildlife Habitat Area
- VQO: Retention
- VQO: Partial Retention



Important: Proposed blocks and roads are preliminary planning shapes only; final block boundaries and road locations, shape, size and reserve timber will be determined following field work and assessments.



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Date of Print File
Creation: February 19, 2020





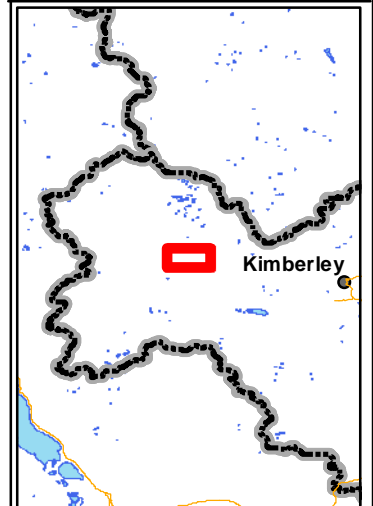
Operating Plan #21 - White Creek

Proposed Roads and Blocks

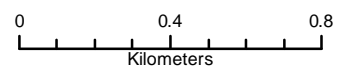
-  Proposed Road
 Proposed Block

-  Point Of Diversion
 Prev. Refer. Roads
 Major Highway
 FSR  RP  == Other. Exist. R
 == Proposed R  X X Deactivated R
 - - Recreation Trail
 Approved Block
 Regenerating Block
 Free to Grow Block
 Old Growth Management Area
 Retention (WTRA, TIM,...)
 Other Reserves
 Private land
 Recreation Area
 Parks and Protected Areas

- 
- | | |
|-------------------------------------------------------------------------------------|------------------------|
|  | Domestic Watershed |
|  | Community Watershed |
|  | Ungulate Winter Ranges |
|  | Wildlife Habitat Area |
|  | VQO: Retention |
|  | VQO: Partial Retention |



Important: Proposed blocks and roads are preliminary planning shapes only; final block boundaries and road locations, shape, size and reserve timber will be determined following field work and assessemnts.



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Date of Print File
Creation: **February 19, 2020**



Advisory Planning Commission Electoral Area A

Minutes

**February 18, 2020
Fernie Chamber Commerce**

Present:

r[Member], Vice Chair
Joe Caravetta, Secretary
Warren Baker
Dale Garrett
Director Mike Sosnowski
David Beranek
Blair Chatterson

1. Call to Order

Joe called the meeting to order at 7:30.

2. Delegations

Bill Hanlon gave presentation on the Hornady Wilderness Society Crown land application regarding a forest rec site trail in Brule creek. The society want to reclaim the first 1200 meters of the trail.

3. Adoption of the Minutes

Moved by Blair
Seconded by Dale

That the minutes of the Advisory Planning Commission meeting held on December 17, 2019 be adopted.

CARRIED

4. Planning & Development Services Monthly Report

Moved by Warren
Seconded by Joe

That the monthly Planning & Development Services Report be received.

5. Agriculture Land Reserve Referrals

6. Bylaw Amendment Application

7. Development Variance Permit Application

8. Ministry of Forests, Lands, Natural Resource Operations and Rural Development (NRO) Referrals

P151-100 Hornady Wilderness Society /Brule Creek- that the advisory planning commission recommends the application be refused - motion made by Blair seconded by Warren – motion passes 3 in favour 2 against.

9. Liquor & Cannabis Licence Applications

10. Adjournment

The meeting adjourned at 7:50.

Advisory Planning Commission Electoral Area B

Minutes

**February 19, 2020
Baynes Lake Fire Hall**

Present:

Shayne Webster, Chair
Lily Durham, Secretary
Marge Reay
John Todd
Josh Pedersen
Andy McDonald
Kent Holmes
Gary Mitchell
Maureen Coulombe
Wendy Salanski

Director Stan Doehle

1. Call to Order

Chair Shayne Webster called the meeting to order at 6:58 pm

2. Delegations

Ben Barrington spoke to the application P 179 223- KV Properties Inc.
(Barrington)/McMorran Dr., Sweetwater.

No attendee spoke to their application P 719 221- Fenwick (Haworth)/Thistle Rd, Tie Lake

No attendee spoke to their application P 720 203- Branch Technologies Inc.
(Kloeckes)/George Rd, Jaffray

No attendee spoke to their application P 151 200- South Kountry Cable Ltd. (Behan)/Tie Lake Shore Rd N, Tie Lake

Lorraine Schmidt spoke to the application P 151 200-977230 Alberta Ltd. (Burwell Avenue Land Consulting)/Kikomun Newgate Rd, Sweetwater.

3. Adoption of the Minutes

Moved by Gary Mitchell
Seconded by Kent Holmes

That the minutes of the Advisory Planning Commission meeting held on January 15, 2020 be adopted.

CARRIED

4. Planning & Development Services Monthly Report

Moved by Wendy Salanski

Seconded by Marge Reay

That the monthly Planning & Development Services Report be received.

5. Bylaw Amendment Application

P 719-223- KV Properties Inc.(Barrington)/McMorran Dr., Sweetwater

Moved by John Todd

Seconded by Kent Holmes

That the Advisory Planning Commission recommends the 719-223-KV Properties Inc. (Barrington) McMorran Dr, Sweetwater Bylaw Amendment application be accepted.

CARRIED

Comments:

Covenant should be put in place that the sewage system is fully operating before the Area B committee will entertain any further development at Koocanusa Village.

6. Development Variance Permit Application**6.1 P 719 221-Fenwick (Haworth)/Thistle Rd., Tie Lake**

Moved by Gary Mitchell

Seconded by Josh Pedersen

That the Advisory Planning Commission recommends the P 719 221-Fenwick (Haworth)/Thistle Rd, Tie Lake Development Variance Permit application be refused with the following conditions:

The proposal to register for a section 219 covenant on title to restrict future development of the property must be in place and signed before approval.

CARRIED

Comments: Unanimous

6.2 P 720 203- Branch Technologies Inc. (Kloeckes)/ George Rd., Jaffray

Moved by Wendy Salanski

Seconded by Marge Reay

That the Advisory Planning Commission recommends the P720- 203- Branch Technologies Inc. (Kloeckes)/George Rd., Jaffray Development Variance Permit application be supported with the following conditions:

All future buildings have the necessary permits in place from the RDEK and the existing building meet the current building codes.

CARRIED

Comments: Unanimous

7. Ministry of Forests, Lands, Natural Resource Operations and Rural Development (NRO) Referrals

7.1 P 151-200- South Kountry Cable Ltd. (Behan)/ Tie Lake Shore Rd N, Tie Lake

Moved by Lily Durham

Seconded by Gary Mitchell

That the Advisory Planning Commission recommends the P 151-200- South Kountry Cable Ltd. (Behan)/Tie Lake Shore Rd N, Tie Lake NRO Referral be supported.

CARRIED

Comments: Unanimous

7.2 P 151-200- 977230 Alberta Ltd. (Burwell Avenue Land Consulting) / Kikomun-Newgate Rd., Sweetwater.

Moved by Shayne Webster

Seconded by John Todd

That the Advisory Planning Commission recommends the P 151-200 977230 Alberta Ltd. (Burwell Avenue Land Consulting)/Kikomun Newgate Rd, Sweetwater. NRO Referral be supported

CARRIED

8. INFORMATION ITEMS

8.1 SweetWater Zoning & Floodplain Management Bylaw- Housekeeping Amendments

Reviewed and Discussed.

9. Adjournment

The meeting adjourned at 8:28 pm

MINUTES of the Electoral Area C Advisory Planning Commission meeting held on Thursday, **February 20, 2020** in the Conference Room at the RDEK office in Cranbrook.

PRESENT

Lee-Ann Crane, Chair & Secretary
Wayne Stone
Rob Gay, Electoral Area C Director

Herb Janzen
Richard Wake

Ilene Lowing
Jim Westwood

ABSENT

Bob Bjorn, Vice Chair

Chris Caron

Roger Mitchell

The meeting was called to order at 7:05 pm.

DELEGATIONS

Keeler & Kreutzer – DL 15732 – 5771 Wycliffe-Perry Creek Road – DVP

Justin Keeler and Tyranne Kreutzer presented information on their application for a DVP to reduce the required 60m setback for enclosed runs and buildings for kennel purposes to 7.5m on the front parcel line, 0m on the south interior side yard, and 28m on the east interior side yard of the subject property. Mr. Keeler advised that they operate as Kootenay Canine Adventures, originally started as a dog-walking business, and expanded to offer boarding due to demand for the service. It was noted that their residence is attached to the kennel, the operation is located a good distance from other residences and businesses, the property is on a dead-end road, and it is close to the airport which makes it convenient for travellers wishing to board their dogs. Mr. Keeler stated that the neighbours are not concerned with the kennel operation as there have been no noise issues and also noted that, besides the distance from adjacent properties, the topography of the property helps to reduce any noise that may emanate from the kennel and exercising activities.

MINUTES

Moved by Jim Westwood

Seconded by Herb Janzen

That the minutes of the January 16, 2020 APC C meeting be adopted as circulated.

CARRIED

DEVELOPMENT VARIANCE PERMIT

P 720 301 Keeler & Kreutzer / DL 15732 – 5771 Wycliffe-Perry Creek Road

Moved by Jim Westwood

Seconded by Wayne Stone

That the Keeler & Kreutzer application to vary the Wycliffe Zoning & Floodplain Management Bylaw by reducing the required 60m setback for enclosed runs and buildings for kennel purposes to 7.5m on the front parcel line, 0m on the south interior side yard, and 28m on the east interior side yard on property located at 5771 Wycliffe-Perry Creek Road, **be supported.**

CARRIED

The meeting adjourned at 7:34 pm.

**Advisory Planning Commission
Electoral Area E
Minutes
Tuesday, February 11, 2020
Judy McPhee's Residence, 6304 Poplar Road, Wasa**

Present:

Jim Westwood, Chair
Virginia West, Secretary
Judy McPhee
Len Hunt
Doug Barraclough
Cheryl Greenwood
Bev Rauch
Gord Olsen
Director Jane Walter

1. Call to Order

Chair Jim Westwood called the meeting to order at 7:00 pm.

2. Delegations

Steve Wilson attended the meeting, spoke to his application, and answered questions from the committee.

3. Adoption of the Minutes

Moved by Doug Barraclough
Seconded by Bev Rauch

That the minutes of the Advisory Planning Commission meeting held on January 14, 2020 be adopted.

CARRIED

4. Planning & Development Services Monthly Report

Moved by Judy McPhee
Seconded by Cheryl Greenwood

That the monthly Planning & Development Services Report be received

CARRIED

5. Development Variance Permit Application

5.1 P 719 425 – Kon Kur Holdings (Wilson) / Wasa Lk Park Drive, Wasa

Moved by Len Hunt
Seconded by Cheryl Greenwood

That the Advisory Planning Commission recommends the Kon Kur Holdings (Wilson) development variance permit application be supported.

CARRIED

6. Adjournment

The meeting adjourned at 7:50 pm. The next meeting will be held at Jim Westwood's residence on Tuesday, January 14, 2020.

**Advisory Planning Commission
Electoral Area F&G Minutes
February 18, 2020
Location: Windermere Emergency Operations Centre
1627 Highway 93/95**

Present:

Area F

Paul De Guise– **Vice Chair**
Rick Tegart
Lindsay McPherson
Scott Wallace
Karl Conway
Susan Clovechok – **Director**
Nancy Wilfley – **Secretary**

Area G

Hermann Mauthner
Rick Tegart
Stephanie Stevens
Owen Mitchell

Gerry Wilkie - **Director**

1. Call to Order

Vice Chair Paul called the meeting to order at 7:00pm.
Introduction of Board Members

Presentations:

P720 503-1129759 Alberta Ltd. (Himmelsbach)/Westside Road

7:10pm –Richard Haworth agent for 1129759 Alberta Ltd. spoke to amend the zone designation from A-1, Rural Resource Zone to SH-2, Small Holding Semi-Rural Zone to permit a subdivision. Application was submitted in 2016 but was asked to be delayed until the OCP was finalized. Three of the subject parcels will have driveways off the Westside Road. There will be a “no disturbance” covenant on the native grassland area and over 50%of the property. Three wells have been drilled. Type II septic systems will be used.

7:15pm – Richard leaves.

2. MINUTES

2.1 APC Meeting – January 21, 2020 Adoption of the Minutes

MOVED by S. Stevens

SECONDED by R. Tegart

THAT the minutes of the Advisory Planning Commission meeting held on January 21, 2020 be adopted as circulated.

CARRIED

2.2 Planning Committee Meeting – January, 2020 – Reviewed

3. REPORTS

3.1 Planning & Development Services Report – Year End 2019 Received

3.2 Planning & Development Services Report – February 2020 Received

4. BYLAW AMENDMENT APPLICATION

4.1 P 720 503 – 1129759 Alberta Ltd. (Himmelsbach)/Westside Road

MOVED by K. Conway

SECONDED by S. Wallace

THAT the Advisory Planning Commission recommends the 1129759 Alberta Ltd. bylaw amendment application be supported.

CARRIED

5. INFORMATION ITEMS

5.1 Lake Windermere Groyne –discussion on alternatives and the aesthetics of proposed piles.

6. ADJOURNMENT

The meeting adjourned at 7:34pm.

Request for Decision

File No: P 037 770

Date February 21, 2020
Author Krista Gilbert
Subject Bylaw No. 2654 – SweetWater Zoning & Floodplain Management Bylaw – Housekeeping Amendments

REQUEST

Introduce Bylaw 2654.

OPTIONS

1. THAT Bylaw No. 2654 cited as “Regional District of East Kootenay – SweetWater Zoning & Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 5, 2015 (Miscellaneous / RDEK)” be introduced.
2. THAT Bylaw No. 2654 cited as “Regional District of East Kootenay – SweetWater Zoning & Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 5, 2015 (Miscellaneous / RDEK)” not proceed.

RECOMMENDATION

Option 1.

BACKGROUND/ANALYSIS

In 2013, the RDEK adopted the Campground Bylaw and concurrently amended the definition of cottage in RDEK zoning bylaws with the intention that cottages were now a use only permitted in campgrounds. Prior to the adoption of the Campground Bylaw, the SweetWater Zoning & Floodplain Management Bylaw defined cottages as a single family dwelling smaller than 93 m² with no basement and permitted this use in the R-1(C), small lot zone. The permitted use of cottage in the R-1(C) zone is now incorrect as a cottage is only permitted in a campground.

To correct this inconsistency, the use has been changed from cottage to single family dwelling and the provisions of a single family dwelling being smaller than 93 m² with no basement were inserted into R-1(C), small lot zone. Other references to cottage in the context of residential use (Section 1.18 – maximum number of dwelling units permitted on a parcel and Section 3.02 – off-street parking requirements for residential use) have been repealed.

These housekeeping amendments do not change any existing use within the R-1(C), small lot zone.

SPECIFIC CONSIDERATIONS

Public & First Nations Consultation (Referrals)

Referrals for Bylaw 2654 were sent on January 20, 2020 to the following agencies:

- **Ministry of Forests, Lands, Natural Resource Operations and Rural Development**
 - Environmental Protection
 - Water Stewardship
 - Environmental Stewardship
- Ktunaxa Nation Council
- School District No. 5
- **Interior Health Authority**
- **Transportation & Infrastructure**
- Telus

Comments from referral agencies had a reply deadline of February 20, 2020. Agencies that responded to the referral are highlighted in bold and had no concerns or comments related to Bylaw 2654.

At the February 19, 2020 Electoral Area B Advisory Planning Commission meeting, Bylaw No. 2654 was reviewed and discussed.

Attachment: Bylaw No. 2654 – SweetWater Zoning & Floodplain Management Bylaw No. 2127, 2009 – Amendment
Bylaw No. 5, 2015 (Miscellaneous / RDEK)

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2654

A bylaw to amend Bylaw No. 2127 cited as "Regional District of East Kootenay – SweetWater Zoning & Floodplain Management Bylaw No. 2127, 2009".

WHEREAS the Board of the Regional District of East Kootenay wishes to amend Bylaw No. 2127;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

NOW THEREFORE, the Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Regional District of East Kootenay - SweetWater Zoning & Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 5, 2015 (Miscellaneous / RDEK)."
2. Schedule A, Section 1.18 (1)(b) is repealed.
3. Schedule A, Section 3.02 (4)(b) is repealed.
4. Schedule A, Section 4.05 (1)(a) is repealed and the following substituted:
 - (a) *Single family dwelling.*
5. Schedule A, Section 4.05 is amended by adding the following:
 - (4) Other Regulations
Within the R-1(C) zone:
 - (a) *A single family dwelling must have a gross floor area less than 93 m²;*
 - (b) *Basements* are prohibited.

READ A FIRST TIME the day of , 2020.

READ A SECOND TIME the day of , 2020.

READ A THIRD TIME the day of , 2020.

ADOPTED the day of , 2020.

CHAIR

CORPORATE OFFICER

Request for Decision Bylaw Amendment Application

File No: P 719 223
Reference: Bylaw No: 2973 & 2974
Date: February 24, 2020

Subject: Bylaw No. 2973 & 2974 (Sweetwater – KV Properties Inc.)
Applicant: KV Properties Inc.
Agent: Ben Barrington Design Consultant
Location: McMorran Drive, Sweetwater
Legal: Part of Lot 2, DL 10348, Kootenay District Plan EPP14443

Proposal: To amend the OCP and zoning designation of part of the property to permit future subdivision. The proposed OCP designation change is from C, Commercial to R-SF, Residential Low Density and the proposed zoning designation change is from C-1, Mixed Use Village Commercial Zone to R-1(B), Single Family Residential – Medium Lot Zone.

Development Agreement: None.

- Options:**
1. THAT Bylaw No. 2973 cited as “Regional District of East Kootenay – Lake Koocanusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 4, 2019 (Sweetwater / KV Properties Inc.) be introduced;

And further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.
 2. THAT Bylaw No. 2974 cited as “Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 7, 2019 (Sweetwater / KV Properties Inc.) be introduced.
 3. THAT Bylaw No. 2973 cited as “Regional District of East Kootenay – Lake Koocanusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 4, 2019 (Sweetwater / KV Properties Inc.) not proceed;
 4. THAT Bylaw No. 2974 cited as “Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 7, 2019 (Sweetwater / KV Properties Inc.) not proceed.
 5. THAT Bylaws No. 2973 and No. 2974 be postponed pending confirmation from a qualified professional that the community wastewater treatment system is fully operational.

Recommendation: Options 5

The proposal is consistent with the current community vision. The remaining land zoned for commercial and multi-family dwellings can still be utilized to establish a viable village core.

OCP policies state that rezoning applications should be considered partially on the provision of community sewer servicing. Considering the community sewer system is still not operational despite previous information stating that it would be completed in 2019, confirmation of fully functioning and self-contained system is recommended before proceeding with further zoning approvals.

**Property
Information:**

Current OCP Designation: C, Commercial

Proposed OCP Designation: R-SF, Residential Low Density

OCP Policies:

- The overall maximum density for principal dwelling units shall not exceed 7.4 dwelling units per hectare within the Sweetwater Subarea.
- Subsequent rezoning applications for the Sweetwater Subarea will be considered on an individual basis in relation to the following criteria:
 - Consistency with the original development vision for the parcel reflecting a high density village concept design
 - Provision of community water and sewer servicing; and
 - Provision of approximately 150 recreational vehicle spaces, approximately 1/3 of which will be available for short-term rental (less than 14 days), and 2/3 of which will be available for full season ownership and use.
- Despite section 4.3(2)(a) parcels smaller than 0.4 ha in size are supported in the Sweetwater Subarea, consistent with the original development vision.
- Despite section 4.3(2)(b) parcels smaller than 1.0 ha in size along the shoreline of Lake Kooacanusa are supported in the Sweetwater Subarea, consistent with the original development vision.
- Commercial development in the Sweetwater subarea is directed to the village square adjacent to the south marina.

**Property
Information -
cont'd:**

Current Zone Designation: C-1, Mixed Use Village Commercial Zone (minimum parcel size: 300 m²)

Proposed Zone Designation: R-1(B), Single Family Residential – Medium Lot (minimum parcel size: 570 m²)

Parcel Size: 37.4 ha (92.4 ac)

Area under application: Approx. 3.0 ha (7.5 ac)

Density:

Existing: Vacant

Proposed: 26 residential lots

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Moderate, not within a fire protection area

BC Assessment: Residential (vacant)

Water and Sewer Services: Community Services. The community water system has been in operation since 2012. The wastewater sewermain components and lift stations are operational, but numerous damaged components have been discovered and replacement parts have been ordered. Currently sewage is pumped and hauled to an off-site treatment facility. The community sewerage system is scheduled to be fully operational by the end of February 2020.

The engineer for the community systems has stated that the current water and sewer systems have sufficient capacity to service the proposed lots.

Flood Hazard Rating: The proposed lots are adjacent to Lake Koocanusa. Flood regulations will apply to development.

**Professional
Studies:**

None

**Additional
Information:**

- The application states that the owners do not believe the amount of existing commercial land is required to produce a viable and functional commercial hub for the area. They do believe that the land around the south marina is the most appropriate location for a commercial hub with the opportunity for higher density residential uses. Therefore, while still keeping an area of land zoned commercial they wish to rezone a portion from commercial to residential.
- The attached master plan shows the direction that the owner is wishing to pursue. The application states that the plan does not seek to maximize density but does allow for multi-family product in the latter stages of the development. Commercial uses are envisioned to be largely seasonal and as such would not be capable of being financially viable on a year-round basis. The owners see some limited commercial uses that would be sustainable year round once adequate build out is achieved, but the majority of commercial uses would likely operate for 5 to 6 months per year, in the warmer months.

**Additional
Information -
cont'd:**

- Covenant CA2620464 registered on the subject property restricts use of the land to a parent parcel upon which a future bare land strata will be registered. Any use of the property for residential, commercial or industrial purposes is prohibited until servicing is provided in accordance with the requirements of the subdivision servicing bylaw.

Consultation: **APC Area B:** Support, subject to covenant registration to ensure the sewage system is fully operating before the APC will entertain any further development at Koocanusa Village.

Referral Agencies:

- **Interior Health Authority:** Interests unaffected.
- **Transportation & Infrastructure:** Interests unaffected
- **Environment:** No comments.
- **Ktunaxa Nation Council:** Approximately half of Area 2 falls within Arch potential polygon overlap. There are also registered Arch sites within 1 km of the proposed development. There needs to be a proper arch assessment done.
- **School District No. 5:** No response.
- **Telus:** No response.
- **Crown Land Authorization:** No response.

**Documents
Attached:**

- Amending Bylaws
- Location Map
- Land Use Map
- OCP Map
- Zoning Map
- Proposal
- Current Master Plan
- Aerial Photo

**RDEK
Contact:**

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdek.bc.ca

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2973

A bylaw to amend Bylaw No. 2432 cited as "Regional District of East Kootenay – Lake Koocanusa Official Community Plan Bylaw No. 2432, 2013."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 2432;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

NOW THEREFORE, the Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Regional District of East Kootenay – Lake Koocanusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 4, 2019 (Sweetwater / KV Properties Inc.)."
2. The designation of that part of Lot 2 District Lot 10348 Kootenay District Plan EPP14443, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from C, Commercial to R-SF, Residential Low Density.

READ A FIRST TIME the day of , 2020.

READ A SECOND TIME the day of , 2020.

READ A THIRD TIME the day of , 2020.

ADOPTED the day of , 2020.

CHAIR

CORPORATE OFFICER

EPP14443

SCHEDULE A



DL 10348

EPP1444

Bills Boulevard (ACC RTE)

McMorran Dr

C
to
R-SF

Koocanusa Lake Drive (ACC RTE)

NEP65910

DL
132

DL 17041

Lake
Koocanusa

This is Schedule A referred to in Bylaw No. 2973 cited as
"Regional District of East Kootenay – Lake Koocanusa
Official Community Plan Bylaw No. 2432, 2013 – Amendment
Bylaw No. 4, 2019 (Sweetwater / KV Properties Inc.)."

Chair

Corporate Officer

Date

DL 4140

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2974

A bylaw to amend Bylaw No. 2127 cited as "Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 2127;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

NOW THEREFORE, the Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 7, 2019 (Sweetwater / KV Properties Inc.)."
2. The designation of that part of Lot 2 District Lot 10348 Kootenay District Plan EPP14443, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from C-1, Mixed Use Village Commercial Zone to R-1(B), Single Family Residential – Medium Lot Zone.

READ A FIRST TIME the day of , 2020.

READ A SECOND TIME the day of , 2020.

READ A THIRD TIME the day of , 2020.

ADOPTED the day of , 2020.

CHAIR

CORPORATE OFFICER



SCHEDULE A

DL 10348

2

EPP 14

Bills Boulevard (ACC. RTE)

McMorran Dr

**C-1
to
R-1(B)**

Koocanusa Lake Drive (ACC. RTE)

EPP 19350

NEP 65910

DL 132

DL 17041

Lake
Koocanusa

This is Schedule A referred to in Bylaw No. 2974 cited as
"Regional District of East Kootenay – SweetWater Zoning and
Floodplain Management Bylaw No. 2127, 2009 – Amendment
Bylaw No. 7, 2019 (Sweetwater / KV Properties Inc.)."

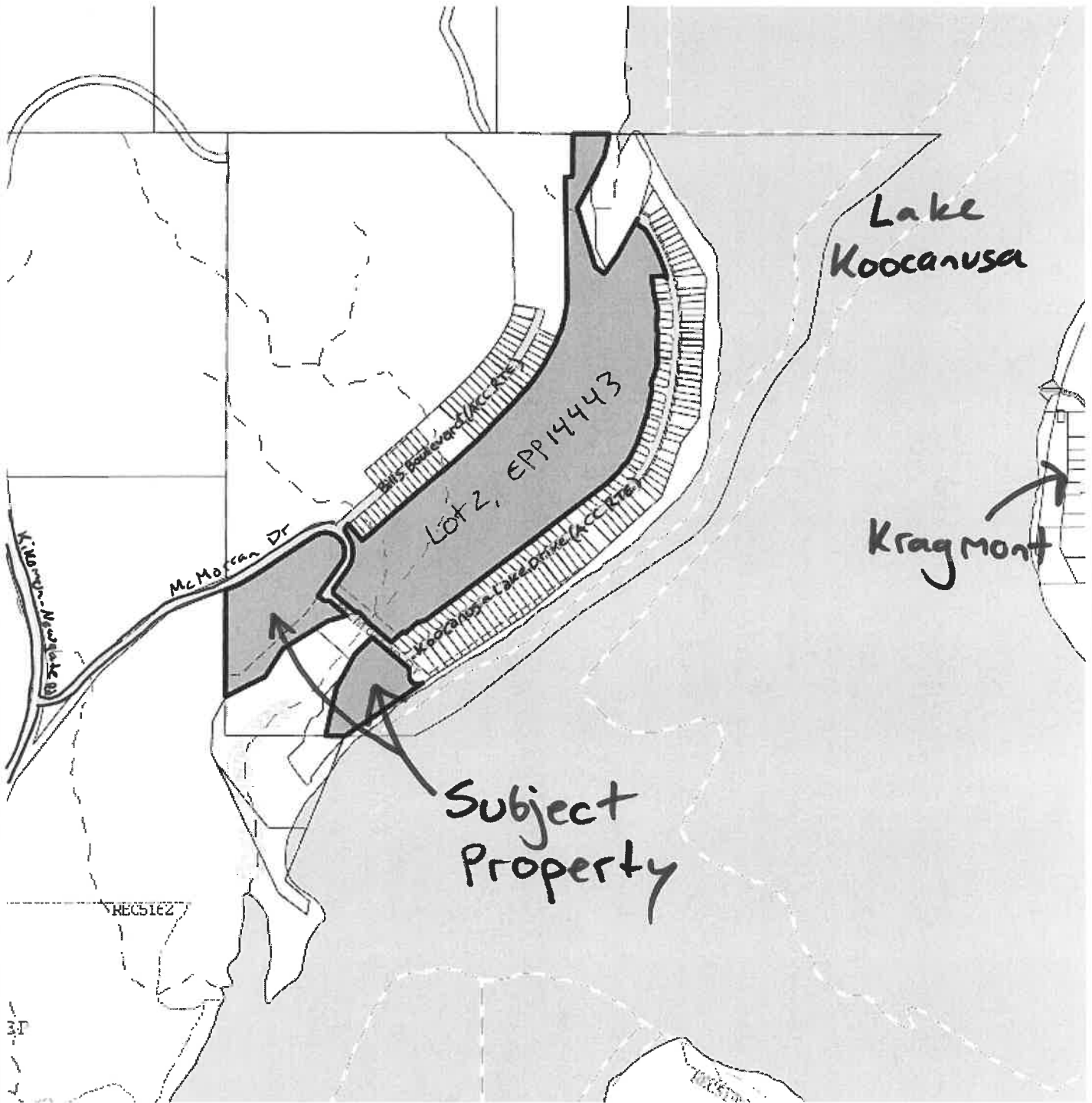
Chair

Corporate Officer

Date

DL 4140

Location Map



Notes:

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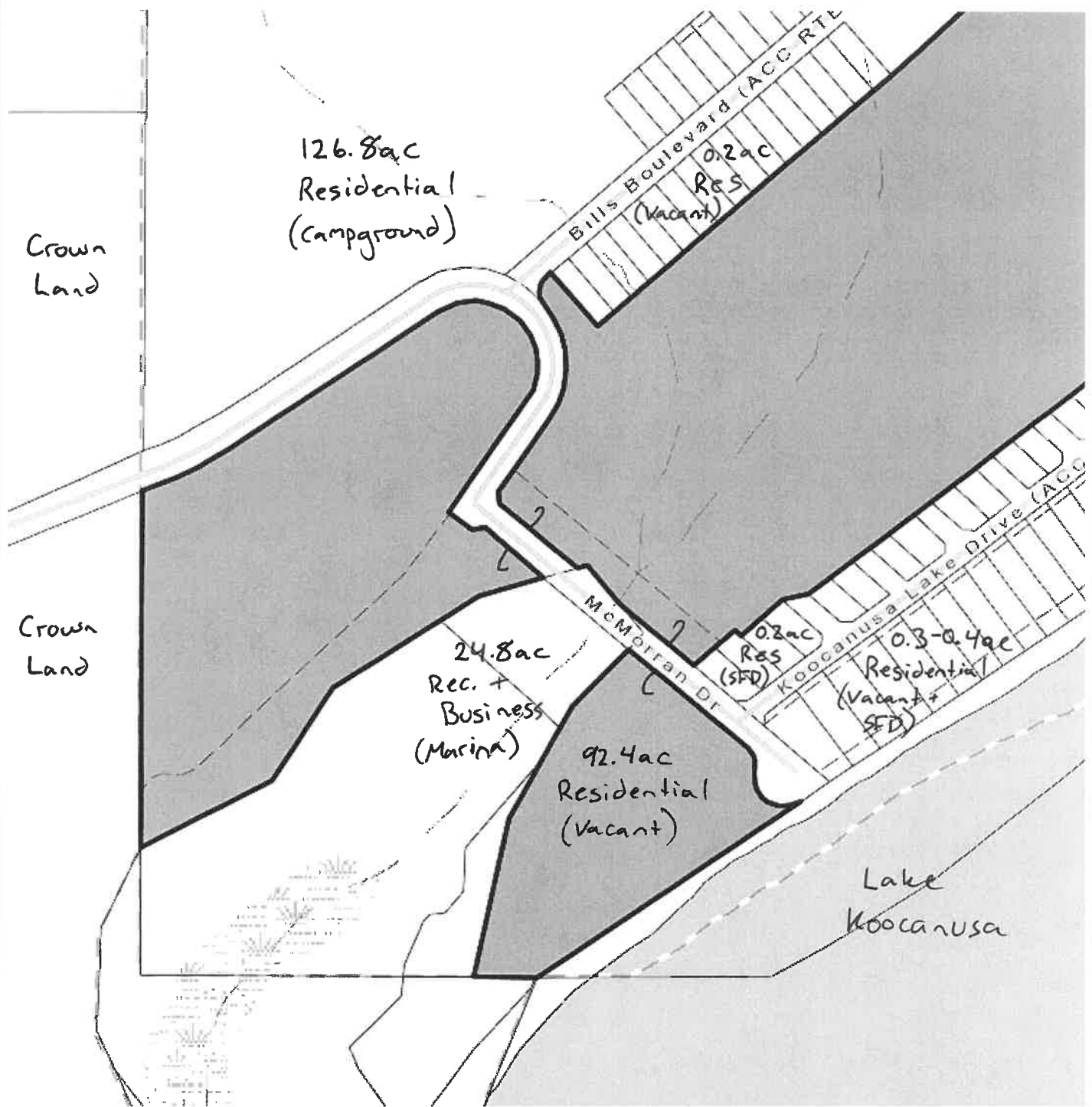
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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Land Use Map



Notes:

150 0 75 150 Meters

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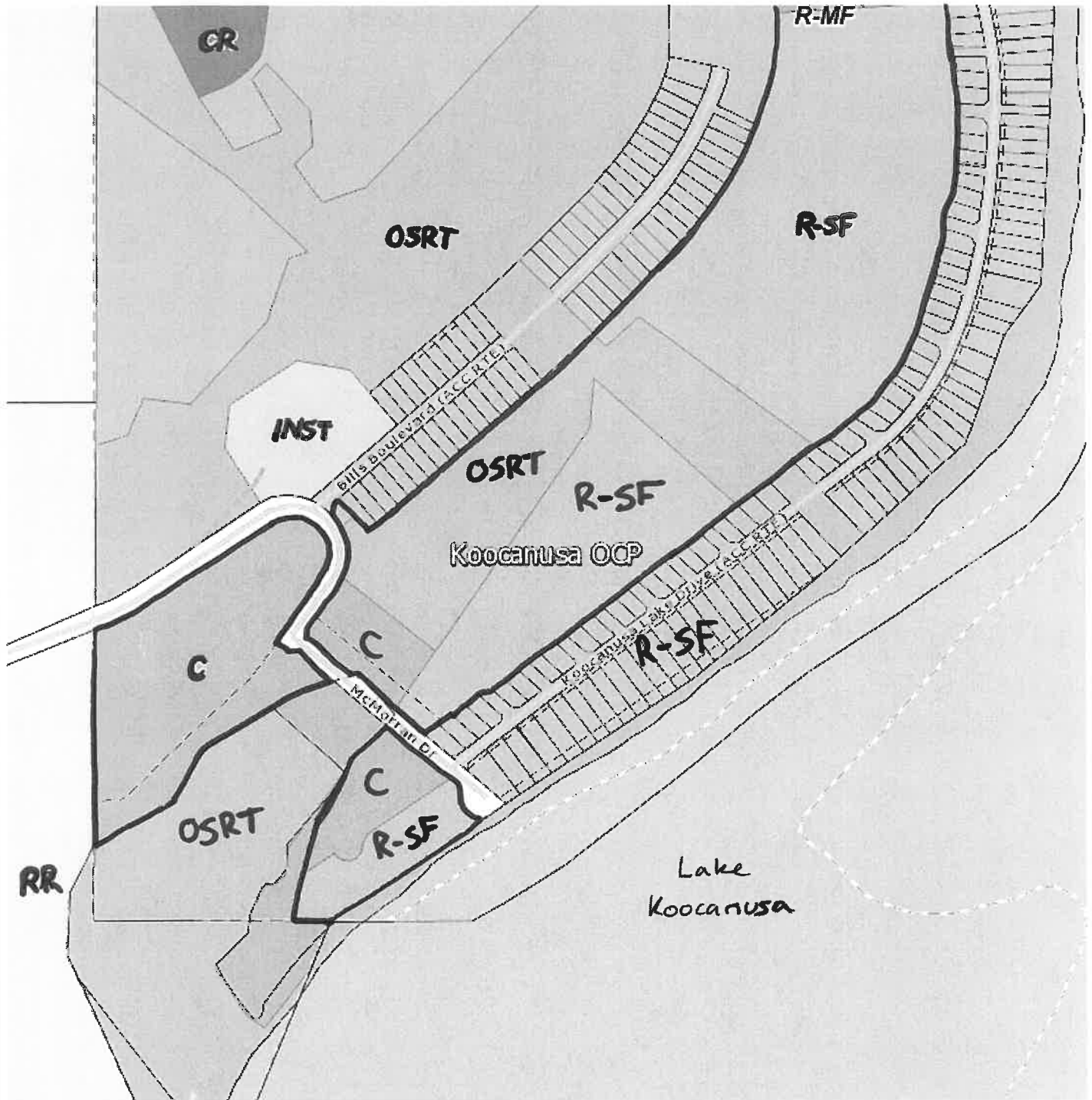
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OCP Designation Map



Notes:

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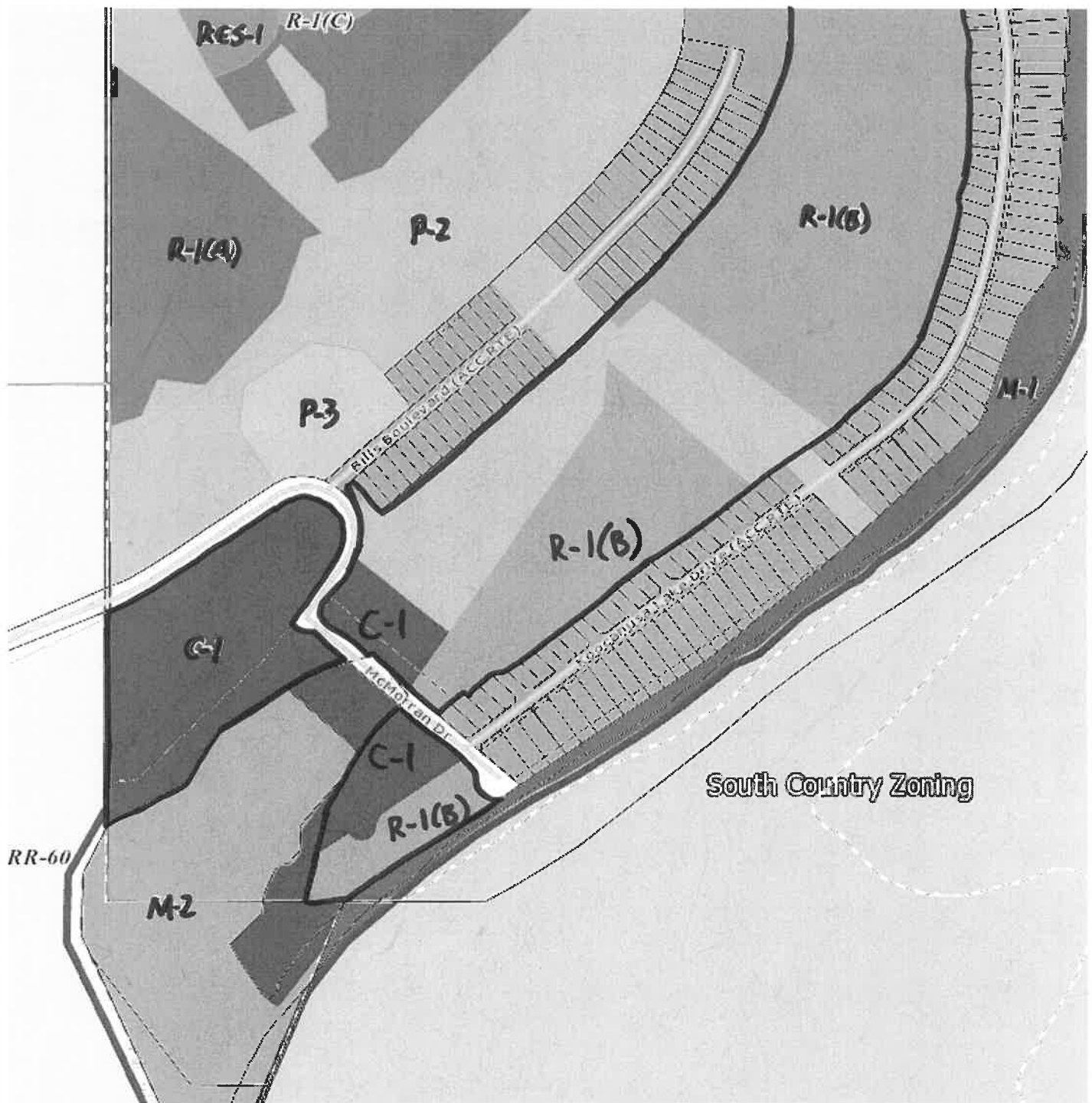
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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Zone Designation Map



Notes:

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Drawing No.	2441-007970-ZONING
Date:	NOV 28, 2018
Rev No.	0
Project No.	24412-00797-00

Proposal Area 1

BLOCK B
PLAN EPC1939

DL 10348

BLOCK A
PLAN EPC1939

2
PLAN EPP14443

2
PLAN EPP14443
PROPOSED LOT C

STRATA PLAN EPS771

BLOCK A
PLAN EPC1939

DL 17193

LAKE
KOOCANUSA

PREVIOUSLY REZONED TO
R-1(B) JUNE 14, 2019

3
PLAN 8226

LEGEND

AREA TO BE REZONED FROM "C-1" TO "R-1(B)"

Rev	Date	Description	Drawn	Checked	Appr'd
1	2019/12/03	ISSUED FOR REZONING	W.S.	D.H.	D.H.

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0 1:500 25'



McElhanney

100 Wilburton Drive
Centennial, CO
80106-1001
781.260.8813

Approved/Sealed

KV PROPERTIES

PROPOSED REZONING PLAN
MARINA POINT SUBDIVISION

Drawing No.

Project Number
2441-00797-00

Rev.
0

REF ID: A6410-2016-07-16



AREA TO BE REZONED FROM "C-1" TO "R-1(B)"

Drawing No.

Project Number
2441-00797-01

Rev.	0
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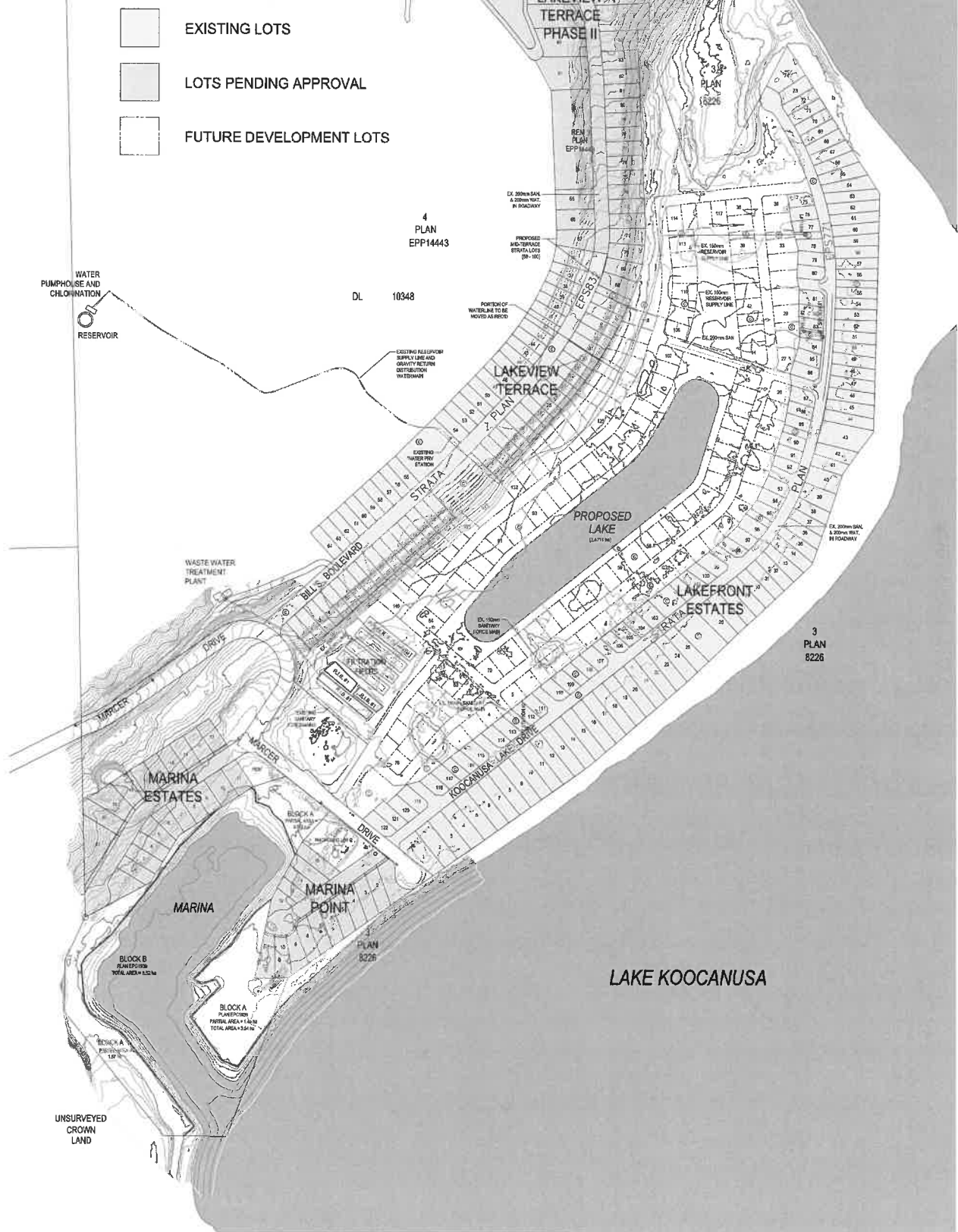


Approved Sealed

ORIGINAL DRAWING SIZE: 4400 D-727' x 34"



Current Master Plan



SITE PLAN

Scale = 1:5000
11x17 Page Size

KOOCANUSA VILLAGE

British Columbia



JENKINS ARCHITECTURE
December 4, 2019



Request for Decision Bylaw Amendment Application

File No: P 720 503
Reference: Bylaw No. 2975
Date: February 26, 2020

Subject: Bylaw No. 2975 (Westside / 1129759 Alb Ltd)
Applicant: 1129759 Alberta Ltd (Mark Himmelspace)
Agent: Haworth Development Consulting
Location: Westside Road
Legal: Lot 1, District Lot 4596, Kootenay District, Plan NEP88930 Except Plan EPP43962 (PID: 027-903-052)

Proposal: To amend the zone designation of the subject property from A-1, Rural Resource Zone to SH-2, Small Holding Semi-Rural Zone to permit subdivision.

Development Agreement: The applicant has offered to register a 'no disturbance' covenant over about 50% of the property. This protected area will include native grassland ecosystems and steep slopes.

The owner has offered amenity contributions in the amount of \$1000 per residential lot created to be held in a reserve fund for improvements to parks and recreation facilities in Electoral Area F including improvements to public lake accesses to Lake Windermere.

Options:

1. THAT Bylaw No. 2975 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 359, 2020 (Westside / 1129759 Alb Ltd)" be introduced.
2. THAT Bylaw No. 2975 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 359, 2020 (Westside / 1129759 Alb Ltd)" not proceed.

Recommendation: **Option #1**
The OCP designation for the subject portion of land supports the request and the watershed and riparian values will be protected by both the ESA development permit process and the 'no development' covenant offered by the applicant for the most sensitive portions of the property.

Property Information: **OCP Designation:** SH, Small Holdings which supports low density residential development with minimum parcel sizes in the range of 0.2 ha to 2.0 ha. An OCP amendment is not required for the proposed development.

General Residential OCP Policies:

- New multi-parcel subdivisions of single family or greater density should be serviced by community water and sewer systems.

**Property
Information -
cont'd:**

- Development of new residential areas should include internal non-motorized trails and identify connections with existing trail networks. Where existing trail networks are not yet established, connectivity with parks, open space, recreational amenities and commercial services should be demonstrated.
- Rezoning to create new residential parcels within the plan area or to increase on water boat moorage/storage could increase the use and associated impacts on existing public lake access points and recreational amenities such as trails. Community amenity contributions can assist in mitigating these impacts by funding upgrades to public lake access, trails or other public recreational amenities. Community amenity contributions are not a requirement of rezoning, but will be negotiated with developers at time of rezoning in order to reduce the impact that new development has on existing community amenities and for the provision of new amenities. Exceptions may be made for the provision of non-market attainable and affordable housing options.
- Bylaw amendment applications for residential development should address the following:
 - a) compatibility of the proposed development with surrounding land uses, parcel sizes, local rural character and lifestyle;
 - b) access to the development and proposed internal road networks;
 - c) demonstrate the use of Conservation Subdivision Design principles where appropriate, such as:
 - identify and establishing buffers from features such as riparian areas, wetlands, Class 1 ungulate winter range, wildlife corridors, wildlife habitat areas, natural hazard areas, woodlands and agricultural land;
 - clustering development into nodes of smaller lots in order to preserve larger contiguous environmentally sensitive areas and agricultural zones; and
 - utilizing compact neighbourhood design with dwelling units built in close proximity to each other to minimize the overall development footprint and required infrastructure.
 - integrate FireSmart principles.
- Development is encouraged to recognize and integrate opportunities to retain and maximize the viewscales.

Residential OCP Policies for the Subject Property:

- The lands shown in figure 8 (the subject property) are located between properties zoned for a minimum parcel size of 1 ha. Rezoning of the property to allow infill rural acreages may be supported, subject to the following conditions:
 - a) Consideration of a vegetated buffer, greenspace or extended building setbacks for new parcels adjacent to existing small holdings;
 - b) Proof of the provision of potable water;

**Property
Information -
cont'd:**

- c) Servicing by a community sewer system is strongly encouraged; and
- d) No net loss of the grassland ecosystem.

Current Zoning: A-1, Rural Resource

Proposed Zoning: SH-2, Small Holding Semi-Rural Zone, minimum parcel size: 1.0 ha

Parcel Size: 19.4 ha (47.9 ac)

Density: One single family dwelling is permitted.

ALR Status: Not within

Interface Fire Hazard Rating: Ranging from moderate to high, not within a fire service area

BC Assessment: Managed Forest (Industrial - vacant)

Water and Sewer Services: Onsite wells proposed and either onsite individual or onsite community sewer

**Professional
Studies:**

Well water: Western Water Associates reviewed the property and found the presence of two aquifers. They determined that, based on the interpreted hydrogeology, there is good potential to develop multiple groundwater sources across the site which are capable of producing the water flows required to permit subdivision.

Archaeology:

- a) A Preliminary Field Reconnaissance Archaeological Assessment was completed in 2016 which found a small portion of the property requiring further study. The application states this more detailed assessment will be completed prior to subdivision and the area is included in the proposed 'no disturbance' covenant area offered by the owner.
- b) Archaeological Review of Proposed Road was completed in 2010 and a covenant is currently registered on the property which requires that any removal or displacement of soil be in accordance with the report.

Geotechnical: A Field Report which included the subject property was prepared by Miles Stepanck, P. Eng. in 2010 and a covenant is currently registered requiring further geotechnical study prior to any earth or vegetation removal and/or placement of any buildings or structures.

Environmental: A report is currently being prepared by Mary Louise Polzen from VAST Resource Solutions to review the grassland ecosystems. This work has determined that the present grassland is in a compromised state due to encroachment by shrubs and non-native vegetation. Recommendations have been made to supplement the existing grassland to ensure no post-development net-loss. A

Professional Studies – cont'd: development permit for environmental sensitivity will be required prior to subdivision sign-off by the RDEK.

Additional Information: A 10 m vegetated buffer is proposed as part of the no disturbance / green space covenant to provide an additional building setback from the neighbouring small holdings parcel to the south.

Consultation: **Advisory Planning Commission:**

APC Areas F & G: Support recommended

Referral Agencies:

- **Interior Health Authority:** Interests unaffected
- **Transportation & Infrastructure:** Interests unaffected
- **Environment:** No response
- **Ktunaxa Nation Council:** No response
- **Akisqnuk First Nation:** No response
- **Shuswap Indian Band:** No response
- **School District No. 6:** No response
- **Telus:** No response

Documents Attached:

- Bylaw
- Location Map
- Land Use Map
- Photos Provided by Applicant
- Existing & Proposed Zone Map
- Conceptual Subdivision Plan Provided by Applicant
- Letter from NRO – Habitat Management Section

RDEK Contact: Tracy Van de Wiel, Planning Technician
Phone: 250-489-0306
Email: tvandewiel@rdek.bc.ca

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2975

A bylaw to amend Bylaw No. 900 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 900;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

NOW THEREFORE, the Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 359, 2020 (Westside / 1129759 Alb Ltd)."
2. The designation of Lot 1, District Lot 4596, Kootenay District, Plan NEP88930, Except Plan EPP43962, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from A-1, Rural Resource Zone to SH-2, Small Holding Semi-Rural Zone.

READ A FIRST TIME the day of , 2020.

READ A SECOND TIME the day of , 2020.

READ A THIRD TIME the day of , 2020.

ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

A-1
to
SH-2

DL 4596

PLAN X 32

EPP65431

2

22488

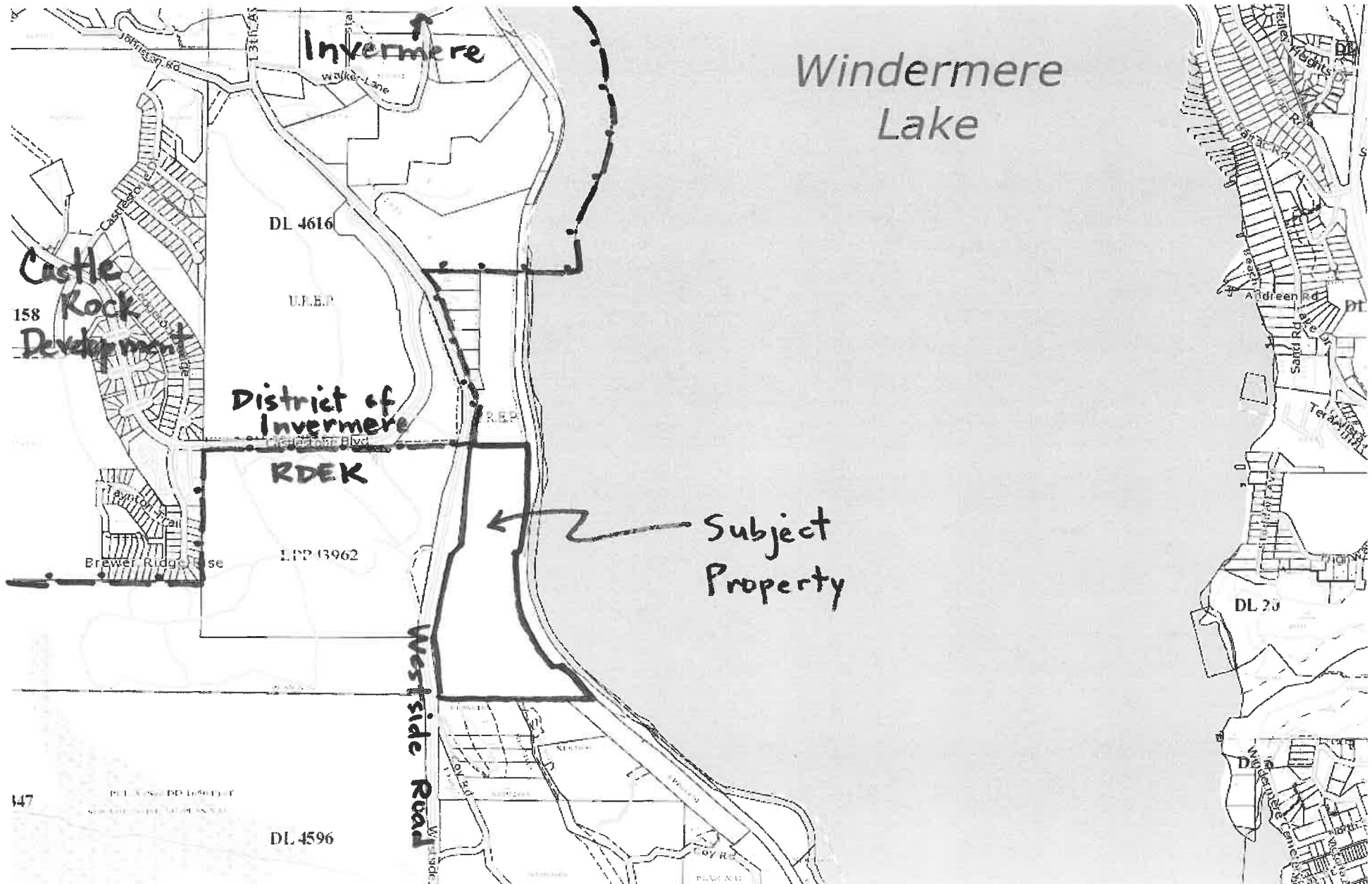
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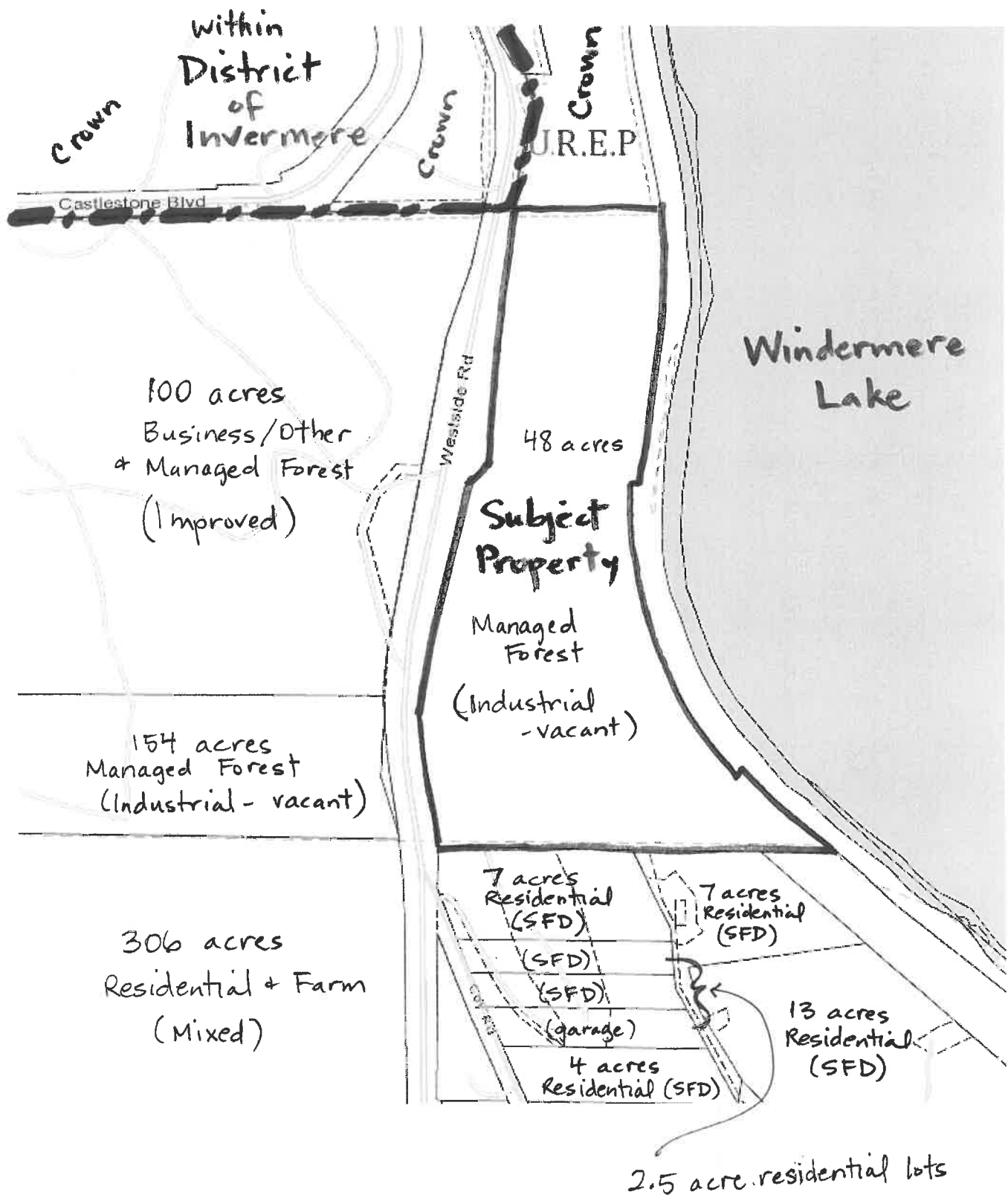
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(See 031478)^c

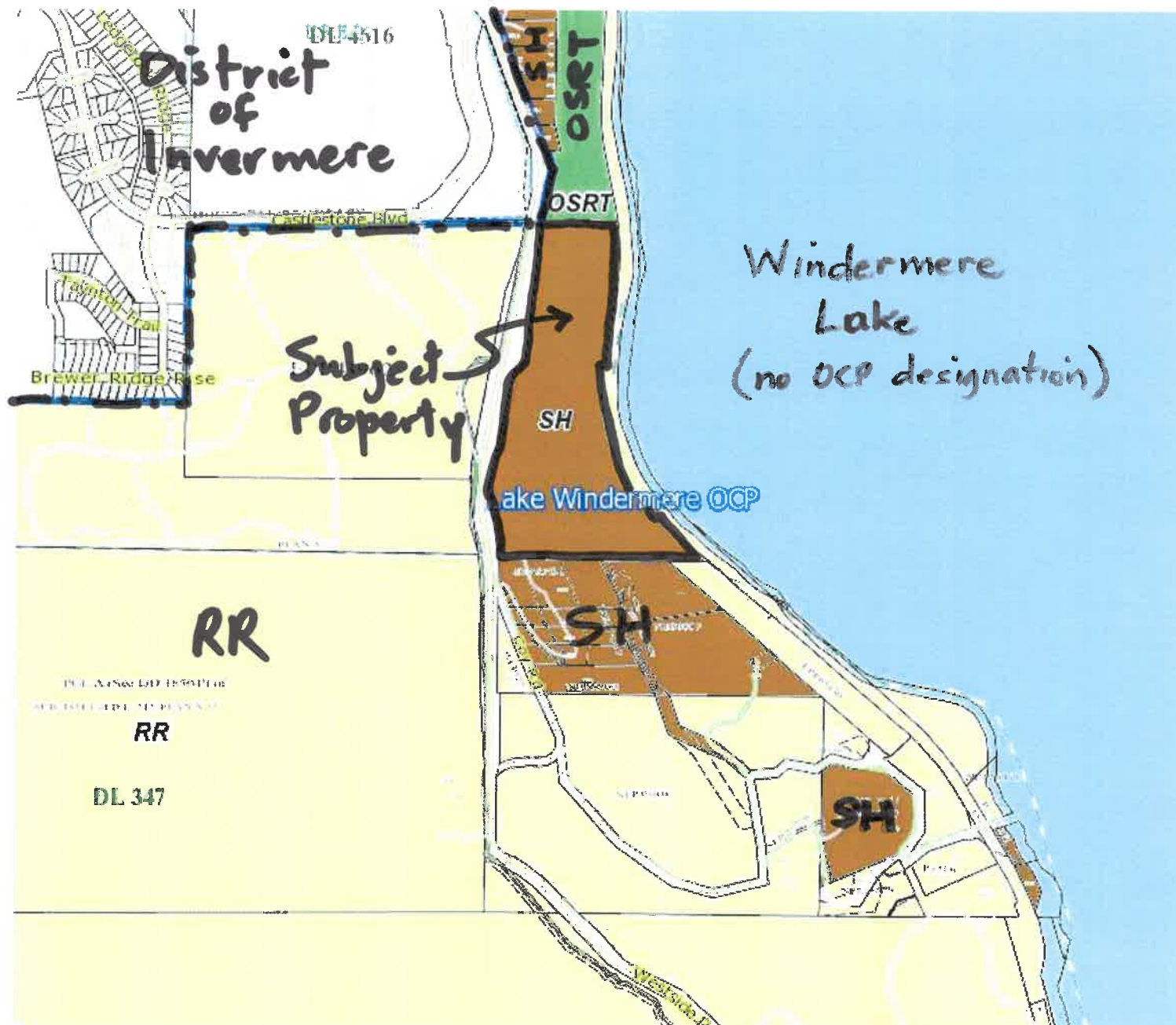
Date _____

Location Map



Land Use Map





- (3) Maintain the rural character of land by only considering residential development proposals if they are located in such a way that they minimize impacts to views, do not hinder access to recreational areas, consider impacts to traffic volumes and make improvements based on the scale of impact, and do not compromise environmental or natural resource values identified elsewhere in this plan.
- (4) Ensure that development which occurs at the interface with urban boundaries integrates principles that will facilitate future development of urban parcel sizes and infrastructure.

4.3 Policies

(1) General

- ➔ (a) New multi-parcel subdivisions of single family or greater density should be serviced by community water and sewer systems.
- (b) A mix of residential densities is supported within the plan area.
- (c) Incorporating secondary suites into the plan area is supported. This will require an amendment to the Upper Columbia Valley Zoning Bylaw and will consider what types of secondary suites may be appropriate and how to address potential impacts on parking and septic systems.
- (d) The current zoning regulations do not include a zone to recognize the short-term rental of single family dwellings. Undertaking a stand-alone public planning process to establish regulations pertaining to the use of single family residences for short term rentals is supported.
- ➔ (e) Development of new residential areas should include internal non-motorized trails and identify connections with existing trail networks. Where existing trail networks are not yet established, connectivity with parks, open space, recreational amenities and commercial services should be demonstrated.
- ➔ (f) Rezoning to create new residential parcels within the plan area or to increase on water boat moorage/storage could increase the use and associated impacts on existing public lake access points and recreational amenities such as trails. Community amenity contributions can assist in mitigating these impacts by funding upgrades to public lake access, trails or other public recreational amenities. Community amenity contributions are not a requirement of rezoning, but will be negotiated with developers at time of rezoning in order to reduce the impact that new development has on existing community amenities and for the provision of new amenities. Exceptions may be made for the provision of non-market attainable and affordable housing options.
- ➔ (g) Bylaw amendment applications for residential development should address the following:
 - (i) compatibility of the proposed development with surrounding land uses, parcel sizes, local rural character and lifestyle;
 - (ii) access to the development and proposed internal road networks;
 - (iii) demonstrate the use of Conservation Subdivision Design principles where appropriate, such as:
 - (A) identify and establishing buffers from features such as riparian areas, wetlands, Class 1 ungulate winter range, wildlife corridors, wildlife habitat areas, natural hazard areas, woodlands and agricultural land;

Cont'd
↓

- (B) clustering development into nodes of smaller lots in order to preserve larger contiguous environmentally sensitive areas and agricultural zones; and
- (C) utilizing compact neighbourhood design with dwelling units built in close proximity to each other to minimize the overall development footprint and required infrastructure.



(iv) integrate FireSmart principles.

- (h) Development is encouraged to recognize and integrate opportunities to retain and maximize the views.

(2) Windermere North

- (a) A mix of residential densities is supported on the lands shown in Figure 1, subject to community sewer and water servicing, connection with existing trail networks and consideration of impacts to existing road networks.

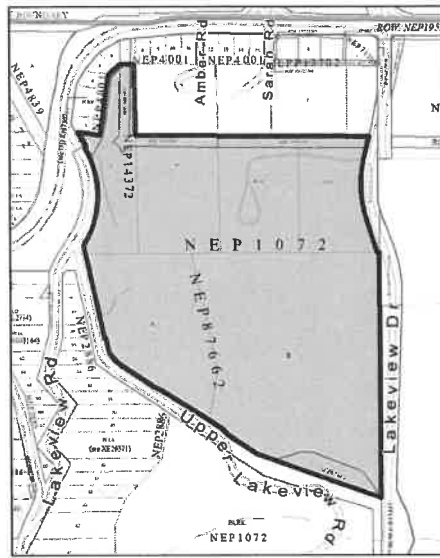


Figure 1

- (b) Road access for the parcels shown highlighted in Figure 2 should be considered from Amber Road, Sarah Road and Lakeview Drive.

- D. Minimize the construction of new roads by utilizing existing roads and disturbed area as much as possible;
 - E. The number of parcels in development clusters should be approximately the same as the number of parcels that would be provided on the parent parcel through a conventional rural subdivision. This is achieved by permitting smaller parcels in development clusters than would be provided in a conventional rural subdivision; and
 - F. To achieve higher densities in the development clusters, provision of community sewer and water services may be required.
- (b) Subdivision of lands shown in Figure 7 is not supported within the RDEK. The lands are suitable for an extension of the Castlerock subdivision and annexation by the District of Invermere is supported in order to provide appropriate levels of community servicing.

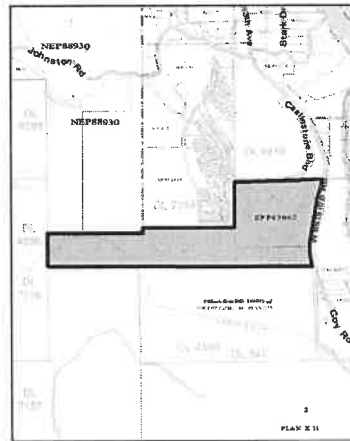


Figure 7



- (c) The lands shown in figure 8 are located between properties zoned for a minimum parcel size of 1 ha. Rezoning of the property to allow infill rural acreages may be supported, subject to the following conditions:
- i. Consideration of a vegetated buffer, greenspace or extended building setbacks for new parcels adjacent to existing small holdings;
 - ii. Proof of the provision of potable water;
 - iii. Servicing by a community sewer system is strongly encouraged; and
 - iv. No net loss of the grassland ecosystem.

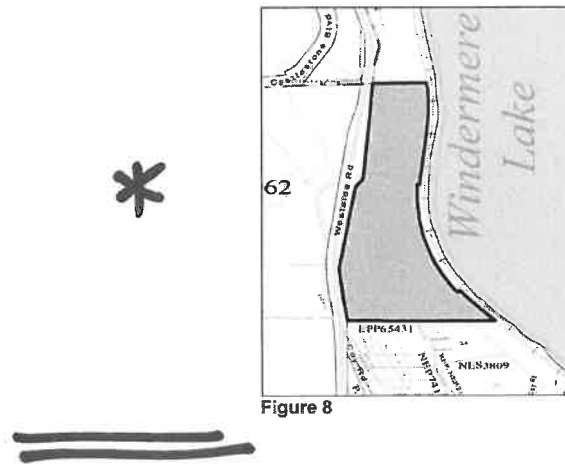


Figure 8

- (d) Despite the minimum parcel size requirements established within the zoning bylaw, subdivision of land within the Westside subarea to a parcel size of less than 120 hectares is not generally supported, with the exception of subdivision for a relative and sections 4.3(5)(a) - (c).
- (e) In order to keep grazing cattle off of private lands, landowners are responsible for incorporating sufficient controls, such as fencing and cattle guards.
- (f) A rezoning application for Lot 1, District Lot 347, Plan X11, shown in Figure 9, to facilitate subdivision as per the 1976 Agricultural Land Commission approval #4667/76 may be supported.



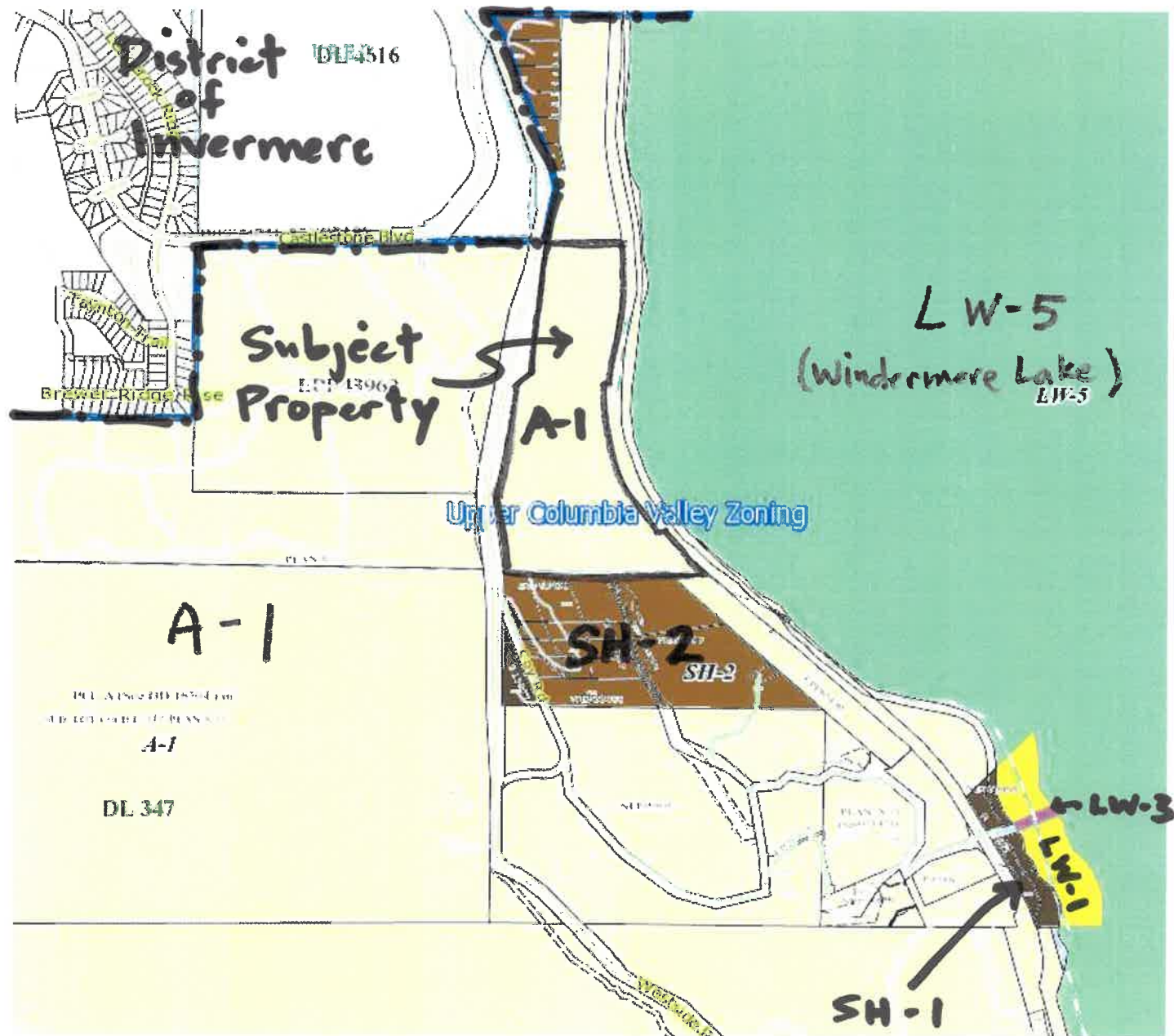
Figure 9

(6) Home Based Business Policy

The following policy identifies when home based businesses are supported within the plan area:

- (a) Home based businesses which are accessory to the residential use, operate on a scale that is appropriate for the area, conform with home based business and sign regulations in the zoning bylaw, and do not disrupt the residential nature of the surrounding area are supported in order to facilitate diversified economic development.

Current Zone Designations



RURAL RESOURCE ZONE: A-1

7.15 (1) Permitted Uses

Within the A-1 zone the following uses only are permitted:

- (a) Single family dwelling;
- (b) Agricultural use;
- (c) Seasonal produce stand;
- (d) Veterinary clinic;
- (e) Kennel, subject to subsection (5)(e);
- (f) Guest Ranch, subject to subsection (7)(d);
- (g) Riding stable, equestrian center;
- (h) Rifle, archery, trap and skeet range, subject to subsection (5)(f);
- (i) Fish pond;
- (j) Rural retreat;
- (k) Hostel;
- (l) Extraction of sand and gravel, including grading, washing, screening, crushing and transporting of materials;
- (m) Harvesting, transport and storage of forest resources; silviculture practices and Christmas tree management;
- (n) Sawmill, shakemill and planermill, subject to subsections (5)(g), (h), (i) and (7)(c);
- (o) Private air strip and helicopter landing pad;
- (p) Wildland Use;
- (q) Sanitary landfill site, subject to subsection (5)(j);
- (r) Wireless communication facility;
- (s) Uses permitted under Section 4.03 of this Bylaw.

BL 1047
09 Jul 93

BL 1936
03 Mar 07

(2) Accessory Uses

- (a) Cement, concrete, asphalt or ready-mix plant accessory to sand and gravel pits subject to subsection 5(g);
- (b) Concession stand accessory to fish pond;
- (c) Cabin accessory to Wildland use;
- (d) Guide-outfitting lodge accessory to Wildland use;
- (e) Home based business; subject to (7)(f).
- (f) Secondary dwelling for farm hands; subject to (7)(e).
- (g) Auxiliary dwelling unit;

BL 2387
05 Oct 12

BL 2350
06 Jan 12

BL 2369
07 Sept 12

- (h) Other uses, buildings and structures accessory to above permitted uses.

(3) Parcel Area

- (a) No parcel shall be created in the A-1 zone which is less than 60.0 ha (148.5 acres) except as provided for in clause (b) and under Section 5.02 and 5.03 of this Bylaw.
- (b) The Approving Officer may permit the creation of parcels having an area less than 60.0 ha (148.5 acres) but greater than 1.0 ha (2.48 acres) provided:
 - (i) the applicant for such subdivision is a farmer who intends to retire from the occupation of farming on the land to be subdivided; and
 - (ii) the applicant provides an undertaking that he intends to reside on the parcel.

(4) Density

- (a) No person shall site more than one (1) single family dwelling on a parcel within the A-1 zone, except as permitted under subsection (2)(f) above.

(5) Siting

- (a) No person shall site a principal building in the A-1 zone which has:
 - (i) a front yard less than 7.5 m (24.6 ft);
 - (ii) a rear yard less than 7.5 m (24.6 ft);
 - (iii) a side yard less than 7.5 m (24.6 ft);
- (b) No person shall site an accessory building or structure in the A-1 zone which has:
 - (i) a front yard less than 7.5 m (24.6 ft);
 - (ii) a rear yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane;
 - (iii) a side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.
- (c) No person shall site a secondary dwelling for farm hands in the A-1 zone which has:
 - (i) a front yard less than 7.5 m (24.6 ft);
 - (ii) a rear yard less than 7.5 m (24.6 ft);
 - (iii) a side yard less than 7.5 m (24.6 ft).

Subsection (5)(d) deleted by Bylaw No. 1668 adopted 11 April 2003.

- (e) No person shall site a kennel building, structure or enclosed run closer than 60 m (196.9 ft) from a parcel line.
- (f) No person shall establish a rifle, archery, trap, and skeet range in the A-1 zone less than 50 m (164 ft) from a parcel line, and not less than 100 m (328.1 ft) from an existing dwelling not on the same parcel.

- (g) No person shall site a sawmill, shakemill, or use permitted under subsection (2)(a) less than 100 m (328.0 ft) from a parcel line.
- (h) No person shall establish a planermill in the A-1 zone less than 300.0 m (984.3 ft) from a parcel line.
- (i) All sawmills, shakemills, and planermills shall be located on a contiguous area not larger than 1.6 ha (3.95 acres) in area, including log storage area, mill area, and waste disposal area.
- (j) No person shall site sewage treatment or sanitary landfill sites in the A-1 zone less than 1000.0 m (3280.8 ft) from any dwelling, nor from any buildings or structures in the P-1 Zone.

(6) Size and Dimensions of Buildings and Structures

- (a) No person shall site a building or structure in the A-1 zone which exceeds a height of 10.0 m (32.8 ft).

BL 1408
05 Mar 99

- (b) Parcel coverage in the A-1 zone shall not exceed 10%.

(7) Other Regulations

- (a) All persons carrying out a use permitted in the A-1 zone shall comply with the relevant provisions of Parts 4, 5, and 6 of this Bylaw.
- (b) No person shall use or permit the use of any portion of a parcel in the A-1 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except for the storage of not more than one derelict vehicle in other than the front yard.
- (c) All planermills shall be enclosed by walls on three (3) sides and a roof.
- (d) *Repealed by Bylaw No. 2561 adopted Sept. 4/15.*

BL 2350
06 Jan 12

- (e) On District Lot 111, Kootenay District no more than four secondary dwellings for farm hands are permitted.

BL 2461
06 Dec 13

- (f) Despite Section 4.07 (8)(c) of this Bylaw on Lot 1, District Lot 346, Kootenay District, Plan NEP88457 a Bed and Breakfast use may be carried out in an accessory building.

SMALL HOLDING SEMI-RURAL ZONE: SH-2

7.12 (1) Permitted Uses

Within the SH-2 zone, the following uses only are permitted:

- (a) Single family dwelling;
- (b) Keeping of farm animals;
- (c) Horticulture;
- (d) Veterinary clinic;
- (e) Kennel subject to subsection (5) (d);
- (f) Uses permitted under Section 4.03 of this Bylaw.

(2) Accessory Uses

- (a) Home based business;
- (b) Auxiliary dwelling unit;
- (c) Other uses, buildings and structures accessory to above permitted uses.

(3) Parcel Area

No parcel shall be created in the SH-2 zone which is less than 1.0 ha (2.47 ac) in area except as permitted under Sections 5.03 and 5.04 of this Bylaw.

(4) Density

No person shall site more than one (1) single family dwelling on a parcel in the SH-2 zone.

(5) Siting

- (a) No person shall site a principal building in the SH-2 zone which has:
 - (i) a front yard less than 7.5 m (24.6 ft);
 - (ii) a rear yard less than 7.5 m (24.6 ft);
 - (iii) a side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.
- (b) No person shall site an accessory building or structure in the SH-2 zone which has:
 - (i) a front yard less than 7.5 m (24.6 ft);
 - (ii) a rear yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane;
 - (iii) a side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.

Subsection (5)(c) deleted by Bylaw No. 1668 adopted 11 April 2003.

BL 2369
07 Sept 12

- (d) No person shall site a kennel building, structure or enclosed run closer than 60 m (196.9 ft) from a parcel line.

(6) Size and Dimensions of Buildings and Structures

- (a) No person shall site a building or structure in the SH-2 zone which exceeds a height of 10.0 m (32.8 ft).

BL 1408
05 Mar 99

- (b) Parcel coverage in the SH-2 zone shall not exceed 20%.

(7) Other Regulations

- (a) All persons carrying out a use permitted in the SH-2 zone shall comply with the relevant provisions of Parts 4, 5, and 6 of this Bylaw.

- (b) No person shall use or permit the use of any portion of a parcel in the SH-2 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except for the storage of not more than one derelict vehicle in other than the front yard.

BL 2814
01 Dec 17

- (c) Despite, Section 4.17(1)(k) of this Bylaw, on Lot 1, District Lot 347, Kootenay District, Plan NEP74119 an auxiliary dwelling unit is permitted.

BL 2941
06 Dec 19

- (d) Despite Section 4.21 of this Bylaw, on Lots 4 and 5, District Lot 4596, Kootenay District, Plan EPP52907, in accordance with section 4.06 (2), up to two kitchens are permitted in a single family dwelling unit.



View of south portion of subject property from over Lake Windermere. Subject property lies between lake and Westside Road.

Proposed common lot access route is visible in photo.



View of south portion of subject property from over Lake Windermere. Subject property lies between lake and Westside Road.

Proposed common lot access route is visible in photo.



*View of north portion
of subject property
from over Lake
Windermere. Subject
property lies between
lake and Westside
Road.*



*View of north portion
of subject property
from over Lake
Windermere. Subject
property lies between
lake and Westside
Road.*



View south along Westside Road with property to east (left). Existing site access gate is located proximate to hydro pole in centre of photo.



Site access and existing drive to property. Access gate shown is the same as shown on top photo.

Proposal

HAWORTH
Development Consulting

Box 233, Suite 202, 826 - 7th Avenue,
Invermere, British Columbia V0A 1K0
T: 250 942 1327

CASTLEROCK
LIFE AND SOBER

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Development Consulting is strictly prohibited.

NOTES:

1. 2. 3. 4. 5. 6. 7. 8. 9. 10.

**LOT 1, DL 4596
PLAN EPP43962**

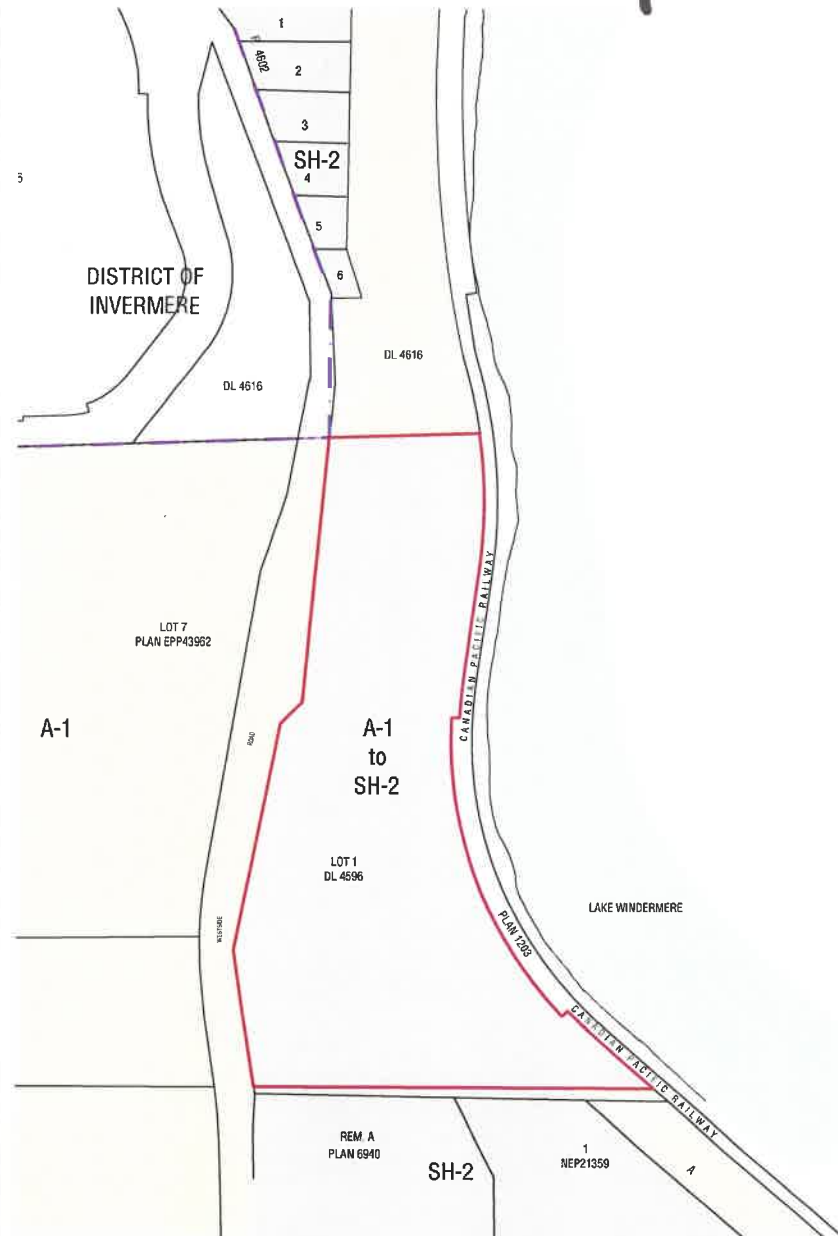
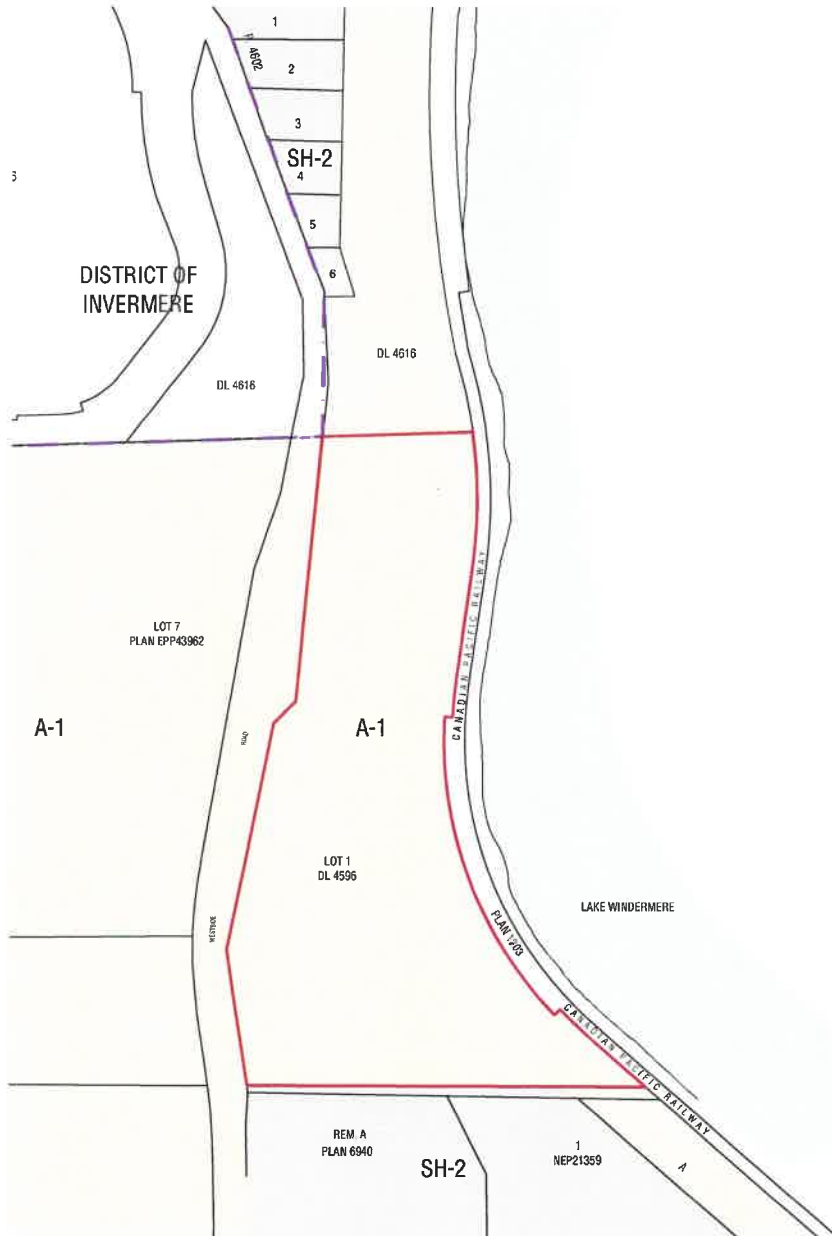
WESTSIDE ROAD

REGIONAL DISTRICT OF EAST KOOTENAY,
BRITISH COLUMBIA

SCALE: AS SHOWN
DATE: 19 DECEMBER 2019
ISSUED FOR: LAND USE
PROJECT NUMBER: 10043
DESIGN BY: HWT
DRAWN BY: HWT

**DRAWING TITLE
ZONING
AMENDMENT**

(Scale in Meters)



2.1

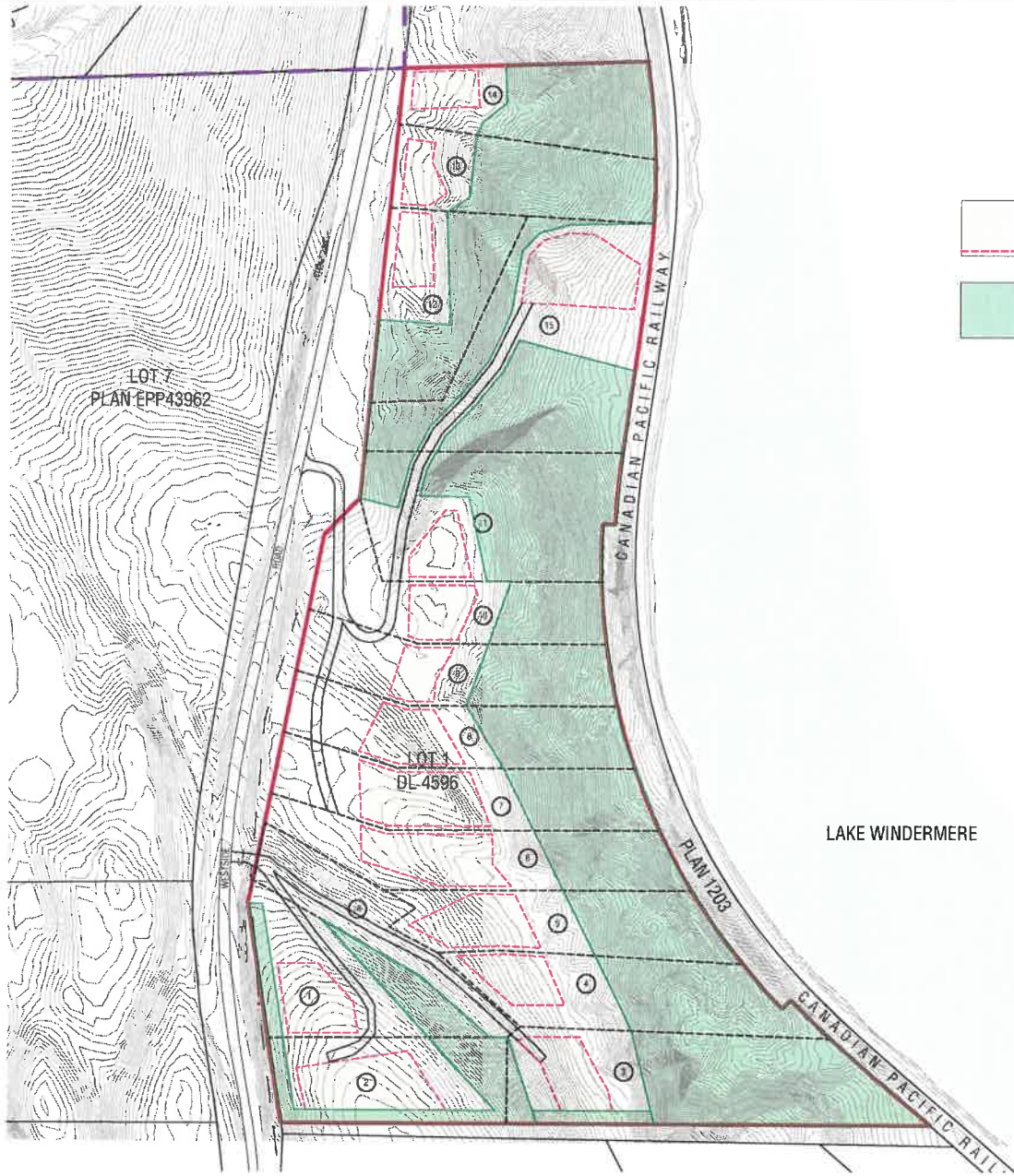
Conceptual Subdivision Plan

HAWORTH
Development Consulting
Box 229, Suite 203, 828 - 7th Avenue,
Vancouver, British Columbia V6A 1K9
T: 250.342.1227

CASTLEROCK
Development Consulting

- PROPOSED BUILDING ENVELOPE**
- Development permitted outside of Building Envelope limited to driveway, septic field, well and landscaping.
- PROPOSED COVENANT AREA**
- No Construction / Placement of Buildings or Structures
- No Excavation or Placement of Fill
- No Vegetation Removal or Disturbance (Firesmart requirements from the RDEK may require select tree removal and removal of undergrowth and vegetative debris).

NOTE: PROPOSED PLAN OF SUBDIVISION IS CONCEPTUAL ONLY AND SUBJECT TO REVISION PRIOR TO FINAL SUBDIVISION.



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This drawing may not be reproduced in any form without prior written approval from Haworth Development Consulting.

REVISIONS		
NO.	DATE	DESCRIPTION

LOT 1, DL 4596
PLAN EPP43962
WESTSIDE ROAD

REGISTERED OFFICE OF LAND REGISTRATION BRITISH COLUMBIA	
SCALE	AS NOTED
DATE	14 DECEMBER 2014
PREPARED FOR	SUBDIVISION
PROJECT NUMBER	12041
DESIGNED BY	DL
DRAWN BY	DL

DRAWING TITLE
PROPOSED PLAN OF SUBDIVISION
- PROPOSED COVENANT AREA

2/20/2015 10:00:00



Referral Number: ATS#830072

Referral Type: Bylaw amendment

MFLNRORD Habitat Management Comments

MFLNRORD habitat management does not recommend approval of this bylaw amendment due to the potential for removal of functioning wildlife habitat, and the sensitivity of the habitat features. The area provides shoreline to upland connectivity for wildlife which is necessary for many species to carry out life-stage requirements. The area has sensitive grasslands and open forests, and provides habitat for American Badger and Lewis' Woodpecker (both are species at risk). Great blue heron (species at risk) were noted near this site; locally herons have been noted using coniferous trees near waterbodies more frequently and this site provides suitable habitat. The area is actively used by wildlife according to telemetry and aerial observation flight survey data. It provides ungulate winter range for moose, elk, mule deer and whitetail deer.

Anthropogenic disturbances (i.e., roads, construction sites, high fences, tree removal, invasive plant spread, etc.) pose a threat to the species in this area. With subdivision and the additional of houses, shops, domestic animals, driveways, tree removal, etc. the functioning habitat in this area will be degraded and/or removed. There is a high risk for invasive plant introduction and spread, which would reduce forage quality and displace native species. The size of this area (almost 50ha) and the proposed increase in human use (15 residences) amplify the risks/threats to wildlife and habitat. Sensitive species are known to abandon areas due to human presence.

If this application is approved, please contact MFLNRORD habitat management for specific recommendations to minimize impacts to wildlife and habitat.

Request for Decision Development Variance Permit Application

File No: P 719 425
Reference: DVP 38-19
Date: February 24, 2020

Subject: DVP No. 38-19 Kon Kur Holdings Ltd.
Applicant: Kon Kur Holdings Ltd.
Agent: Wasa Building Supplies / Steve & Debbie Wilson
Location: 6102 Wasa Lake Park Drive, Wasa
Legal: Lot 1, District Lot 264, Kootenay District, Plan 6462

Proposal: Application to vary the Electoral Area E Zoning & Floodplain Bylaw for two open sided storage structures.

For 'Structure A' (see attached sketch plan) the request is to reduce the minimum exterior side yard setback from 7.5 m to 2.1 m, the rear yard setback from 6 m to 2.1 m, and the setback from a controlled access highway (Highway 93/95) from 22 m to 14.6 m.

For 'Structure B' the request is to reduce the minimum exterior side yard setback from 7.5 m to 2.1 m.

Both storage structures will be used as dry storage for building supplies and the requested variances include provision for the roof eave overhangs.

Options:

1. THAT Development Variance Permit No. 38-19 (Wasa / Kon Kur Holdings Ltd.) be granted.
2. THAT Development Variance Permit No. 38-19 (Wasa / Kon Kur Holdings Ltd.) be refused.

Recommendation: **Option #1**
The storage structures will improve the aesthetics of the property for residents and the travelling public and the variance will permit space for larger vehicles to deliver and pick-up yard supplies. The form and character development permit process will ensure the aesthetics of the structures are acceptable.

**Property
Information:**

OCP Designation: C, Commercial

OCP Objectives:

- Commercial development is encouraged to sustain a high aesthetic standard that complements the character and natural landscape of the plan area.

Zone Designation: C-4, Service Commercial Zone; minimum parcel area requirement is 4000 m².

Parcel Area: 0.51 ha (1.3 acres)

	Density: One dwelling is permitted accessory to a commercial use
	ALR Status: Not within the ALR
	BC Assessment: Business (other) – Stores and service
Property Information – cont'd:	Water / Sewer Services: Onsite
	Interface Fire Hazard Rating: Moderate, not within a fire protection area
	Flood Hazard Rating: Wasa Lake and the Kootenay River are nearby the subject property. Floodplain management provisions apply to development.
Additional Information:	<p>The applicant states that they plan to construct the storage structures in stages over the next couple of years.</p> <p>A development permit for form and character is required for the proposed structures. An application has been received and is currently being reviewed.</p>
Consultation:	Advisory Commissions:
	APC Area E: Support recommended
	Response(s) to Notice: 13 notices were mailed on February 11, 2020 to all property owners within 100 m. No notices were returned and no responses have been received.
Documents Attached:	<ul style="list-style-type: none">▪ Permit▪ Location Map▪ Land Use Map▪ Proposal
RDEK Contact:	<p>Tracy Van de Wiel, Planning Technician Phone: 250-489-0306 Email: tvandewiel@rdek.bc.ca</p>

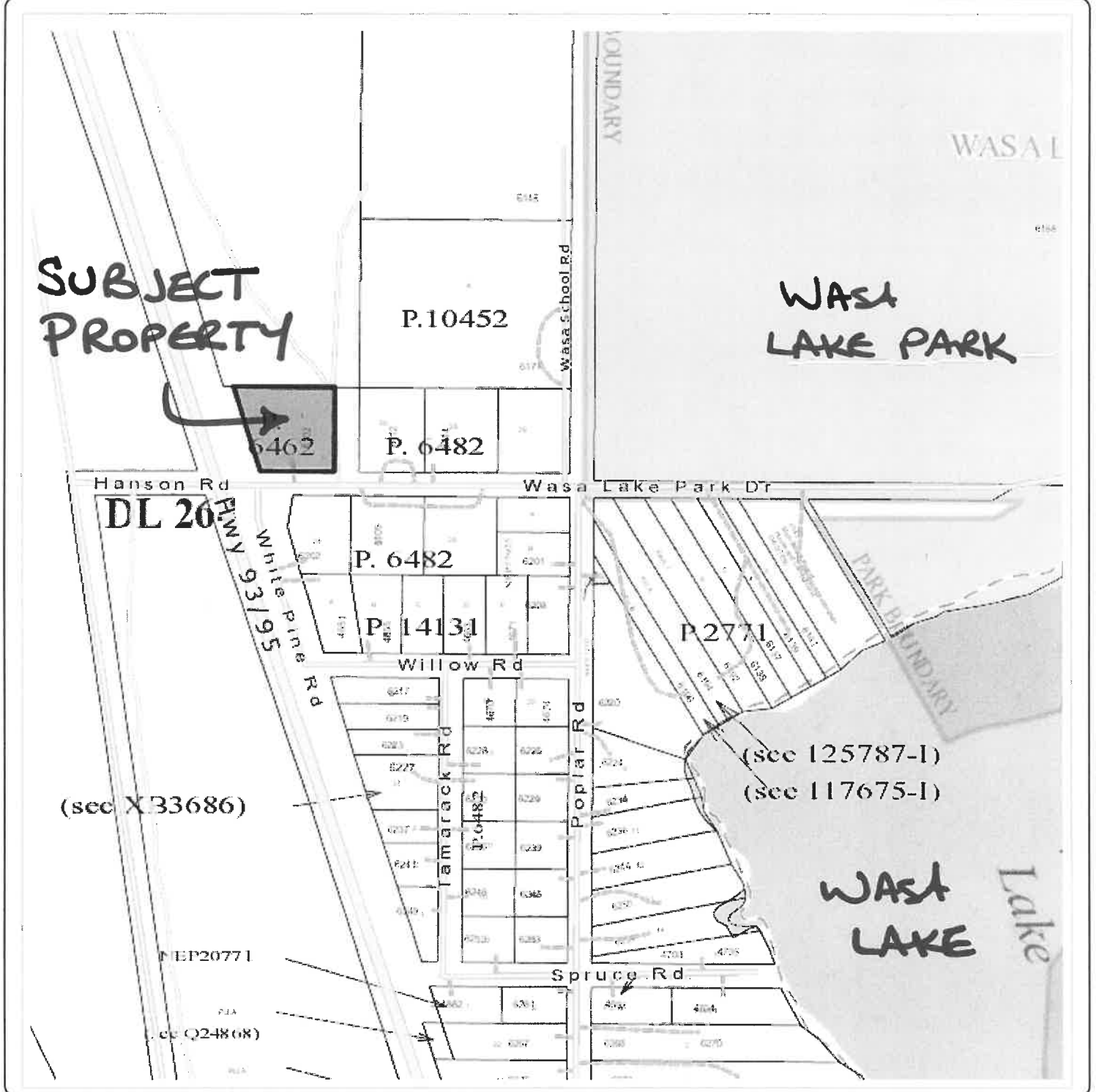
Permittee: Kon Kur Holdings Ltd.

1. This Development Variance Permit is issued subject to compliance with all RDEK bylaws applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below:

Lot 1, District Lot 264, Kootenay District, Plan 6462 (PID: 014-298-856)
3.
 - a) Regional District of East Kootenay – Electoral Area E Zoning Bylaw No. 2502, 2014, Section 4.20 (3)(b) which requires a minimum rear yard setback of 6 m and a minimum exterior side yard setback of 7.5 m is varied to reduce the rear and exterior side yard setbacks to 2.1 m, and Section 1.06 which requires a 22 m setback from a controlled access highway is varied to reduce the controlled access highway setback from 22 m to 14.6 m, to permit Storage Structure A for building supplies including the proposed roof eave overhang.
 - b) Regional District of East Kootenay – Electoral Area E Zoning Bylaw No. 2502, 2014, Section 4.20 (3)(b) which requires a minimum exterior side yard setback of 7.5 m is varied to reduce the exterior side yard setback from 7.5 m to 2.1 m to permit Storage Structure B for building supplies including the proposed roof eave overhang.
4. The lands described herein shall be developed strictly in accordance with the terms and conditions of this Permit and in substantial compliance with the drawings submitted in the Development Variance Permit application received September 18, 2019.
5. The lands described herein shall be developed strictly in accordance with the terms and conditions of this Permit and in substantial compliance with Development Permit 5-20.
6. This Permit shall come into force on the date of an authorizing resolution passed by the RDEK.
7. This Permit is not a building permit.
8. If development authorized by this Permit does not commence within two years of the issue date of this Permit, the Permit shall lapse.
9. A notice pursuant to Section 503(1) of the *Local Government Act* shall be filed in the Land Title Office and the Registrar shall make a note of the filing against the title of the land affected.
10. It is understood and agreed that the RDEK has made no representations, covenants, warranties, guarantees, promises, or agreement (verbal or otherwise) with the developer other than those in this Permit.
11. This Permit shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

Authorizing Resolution No. **adopted by the Board of the Regional District of East Kootenay on the** **day of** **, 2019.**

Shannon Moskal
Corporate Officer



Notes:

172 0 86 172 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
RDEK GeoViewer - 10-30-2019 2:48 PM

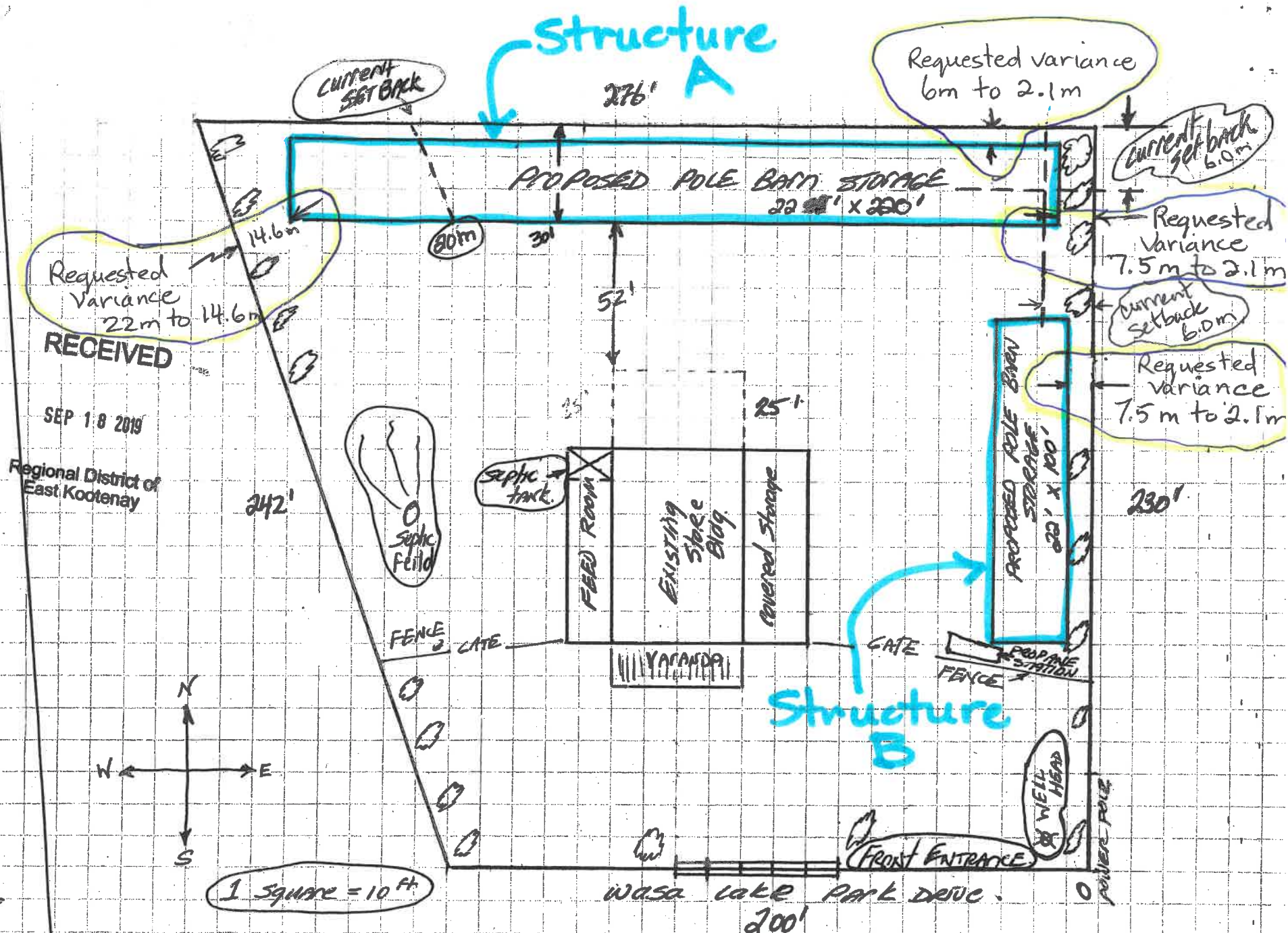
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

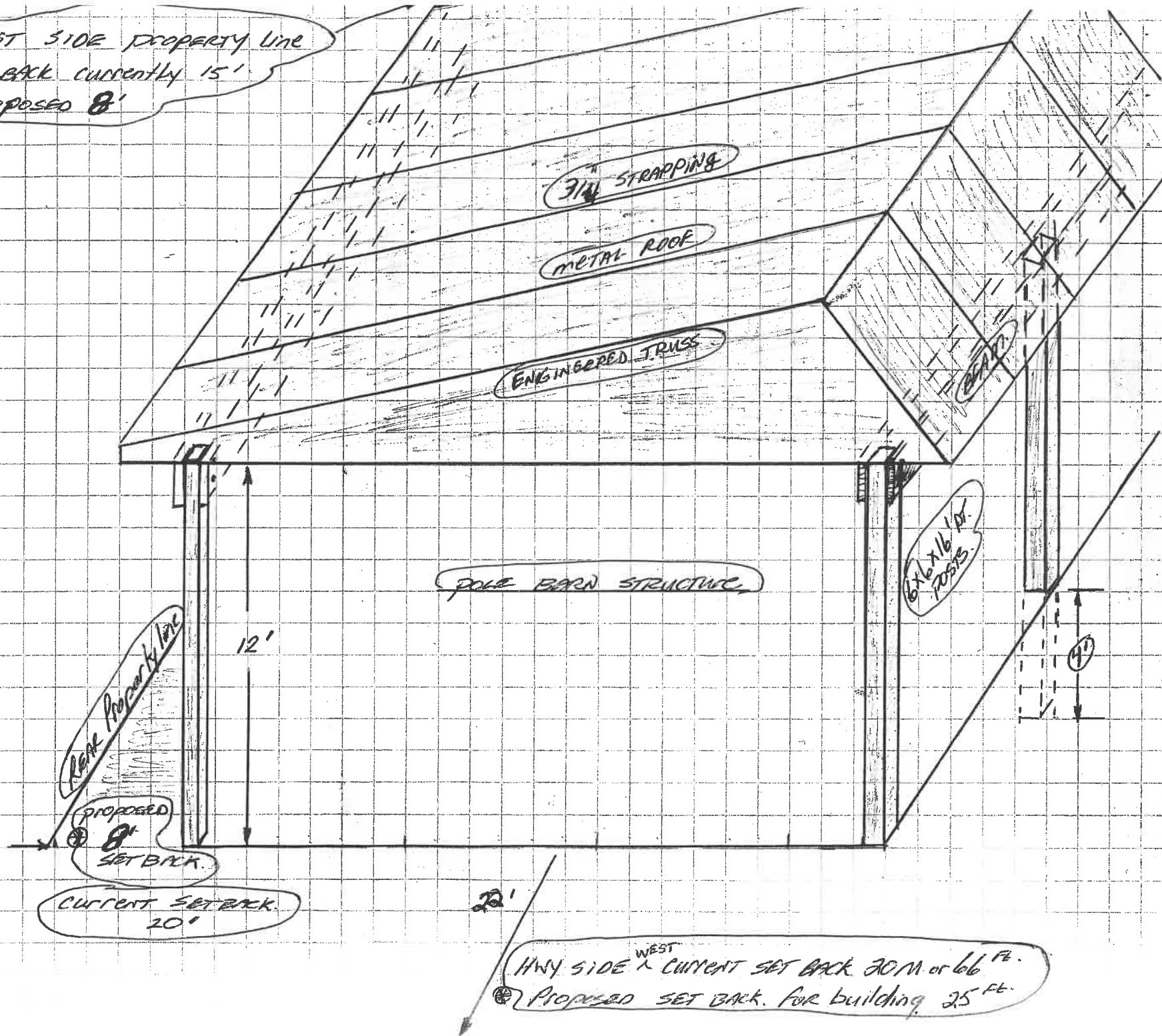
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

May 03/195



WASA Hardware + Building centre
6102 Wasa Lake Park Dr.

EAST SIDE PROPERTY LINE
SET BACK CURRENTLY 15'
PROPOSED 8'



Request for Decision Development Variance Permit Application

File No: P 719 221
Reference: DVP 47-19
Date: February 24, 2020

Subject: DVP No. 47-19 (Tie Lake / Fenwick)
Applicant: Thomas and Brenda Fenwick
Agent: Haworth Development Consulting
Location: 1524 Thistle Road, Tie Lake
Legal: Lot 27, District Lot 4590, Kootenay District, Plan 4883

Proposal: Reduce the Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw minimum usable site area requirement to 1500 m², waive the Subdivision Servicing Bylaw requirement for water and sewer servicing for proposed Lot 2, and waive the requirement for water servicing for proposed Lot 1 to permit the use of an existing cistern. The owner is willing to register a Section 219 covenant on title to restrict future development of the property.

Options:

1. THAT Development Variance Permit No. 47-19 (Tie Lake / Fenwick) be granted subject to registration of a restrictive covenant on proposed Lot 2 prohibiting renovations, additions or other construction until proof of servicing is provided in accordance with the Subdivision Servicing Bylaw.
2. THAT Development Variance Permit No. 47-19 (Tie Lake / Fenwick) be refused.

Recommendation: **Option #1**
The proposal is an opportunity to correct historical and problematic development and ownership decisions, but is otherwise not sustainable. This an example of multiple dwellings/development proceeding without zoning regulations in place, and eventually leading to an application to further subdivide property which is too small to support the required infrastructure. The servicing options become substandard, difficult and expensive.

Property Information: **Land Use Designation:** RS-1(A), Single Family Residential (A) zone; minimum parcel size is 0.3 ha.

Land Use Objectives and Policies:

- To provide for a range of housing opportunities for both permanent and seasonal residents.
- Board policy supports a pattern of low density residential development consisting of single family dwellings, two family dwellings and single family dwellings with a secondary suite on parcels not fronting the lakes. Higher density residential developments is not supported at this time.

**Property
Information -
cont'd:**

However, in recognition of the need to provide a range of housing options for an aging population and a range of income groups, this policy will be reviewed periodically.

Should the need for a broader range of housing options be identified, an amendment to this plan will be required. The amendment may be initiated by the Regional District or by an owner requesting the change.

Parcel Area: 0.31 ha (0.78 ac)

Density: There are two existing single family dwellings on the subject property. One single family dwelling is permitted per parcel. The proposed reduction in parcel size would allow for the creation of two parcels with one dwelling on each parcel.

ALR Status: Not within the ALR

BC Assessment: Residential (SFD)

Flood Hazard Rating: The subject property is located approximately 100 m from Tie Lake and is not identified as being within a flood hazard area.

Water and Sewer Services: One dwelling has an existing septic field and uses a cistern for water (proposed Lot 1) and the other dwelling has no potable water and utilizes an outhouse for septic (proposed Lot 2).

Interface Fire Hazard Rating: High, within the Jaffray fire protection area.

**Additional
Information:**

- Bylaw 2956 was adopted on January 10, 2020 which amended the zone designation of the subject property to RS-1(A), Single Family Residential (A) Zone, which does not allow a secondary suite and amended the text of the land use bylaw to allow a minimum parcel size of 1500 m².
- A two-lot subdivision has been proposed which will create two parcels with one dwelling on each.
- The applicants request to waive the servicing requirements for subdivision of proposed Lot 2 until such time as a building permit is obtained for any addition or construction of a new residence on the property due to the minimal nature of the seasonal cabin
- The subdivision of the property is being undertaken as a result of a court order to allow the various property owners to settle their differences.

Consultation:

Advisory Commissions:

APC Area B: Support, subject to registration of a section 219 covenant on title to restrict future development of the property prior to permit approval.

Response(s) to Notice: 13 notices were mailed on February 5, 2020 to all property owners within 100 m of the subject property. One notice was returned as undeliverable and no responses have been received.

**Documents
Attached:**

- Permit
- Location Map
- Land Use Map
- Proposal

**RDEK
Contact:**

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdek.bc.ca

Permittee: Thomas and Brenda Fenwick & Brian, Ernest and Frances Malacko

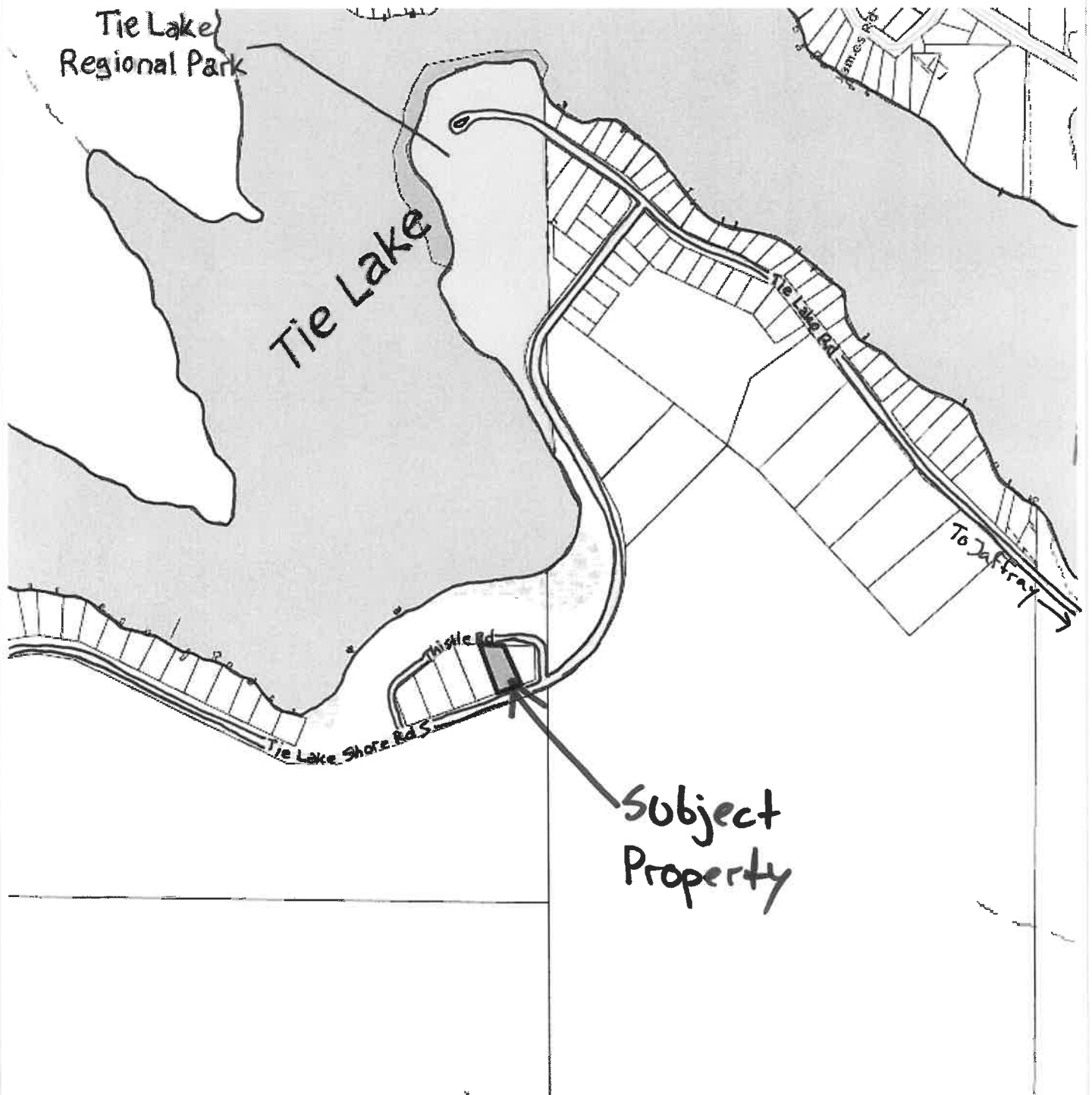
1. This Development Variance Permit is issued subject to compliance with all RDEK bylaws applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below:

Lot 27, District Lot 4590, Kootenay District, Plan 4883
[PIDs: 005-378-397]
3. Regional District of East Kootenay – Subdivision Servicing Bylaw No. 1954, 2008, Section 10.01 (1), which requires all new parcels created by subdivision to provide sufficient quantities of potable water, is waived for Proposed Lot 1 to allow the use of an existing cistern in a two lot subdivision of the subject property.
4. Regional District of East Kootenay – Subdivision Servicing Bylaw No. 1954, 2008, Section 10.01 (1), which requires all new parcels created by subdivision to provide sufficient quantities of potable water, and Section 11.01 (1), which requires proof of adequate sewage disposal capability, are waived for Proposed Lot 2 in a two lot subdivision of the subject property.
5. Regional District of East Kootenay – Jaffray, Tie lake, Rosen Lake Land Use and Floodplain Management Bylaw No. 1414, 1999 Section 6.01 (2) which regulates the minimum usable site area requirements, is reduced to 1500 m² for the lots in a proposed two lot subdivision.
6. The lands described herein shall be developed strictly in accordance with the terms and conditions of this Permit and in substantial compliance with the development variance permit application received on November 19, 2019.
7. This Permit is only valid if a restrictive covenant is registered on the title of proposed Lot 2 prohibiting renovations, additions or other construction until proof of potable water and proof of sewerage disposal capability is provided to the RDEK.
8. This Permit shall come into force on the date of an authorizing resolution passed by the RDEK.
9. This Permit is not a building permit.
10. If development authorized by this Permit does not commence within two years of the issue date of this Permit, the Permit shall lapse.
11. A notice pursuant to Section 503(1) of the *Local Government Act* shall be filed in the Land Title Office and the Registrar shall make a note of the filing against the title of the land affected.
12. It is understood and agreed that the RDEK has made no representations, covenants, warranties, guarantees, promises, or agreement (verbal or otherwise) with the developer other than those in this Permit.
13. This Permit shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

Authorizing Resolution No. _____ **adopted by the Board of the Regional District of East Kootenay on the** _____ **day of** _____ **, 2020.**

Shannon Moskal
Corporate Officer

Location Map



Notes:

350 0 175 350 Meters

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RDEK GeoViewer - 12-2-2019 3:17 PM

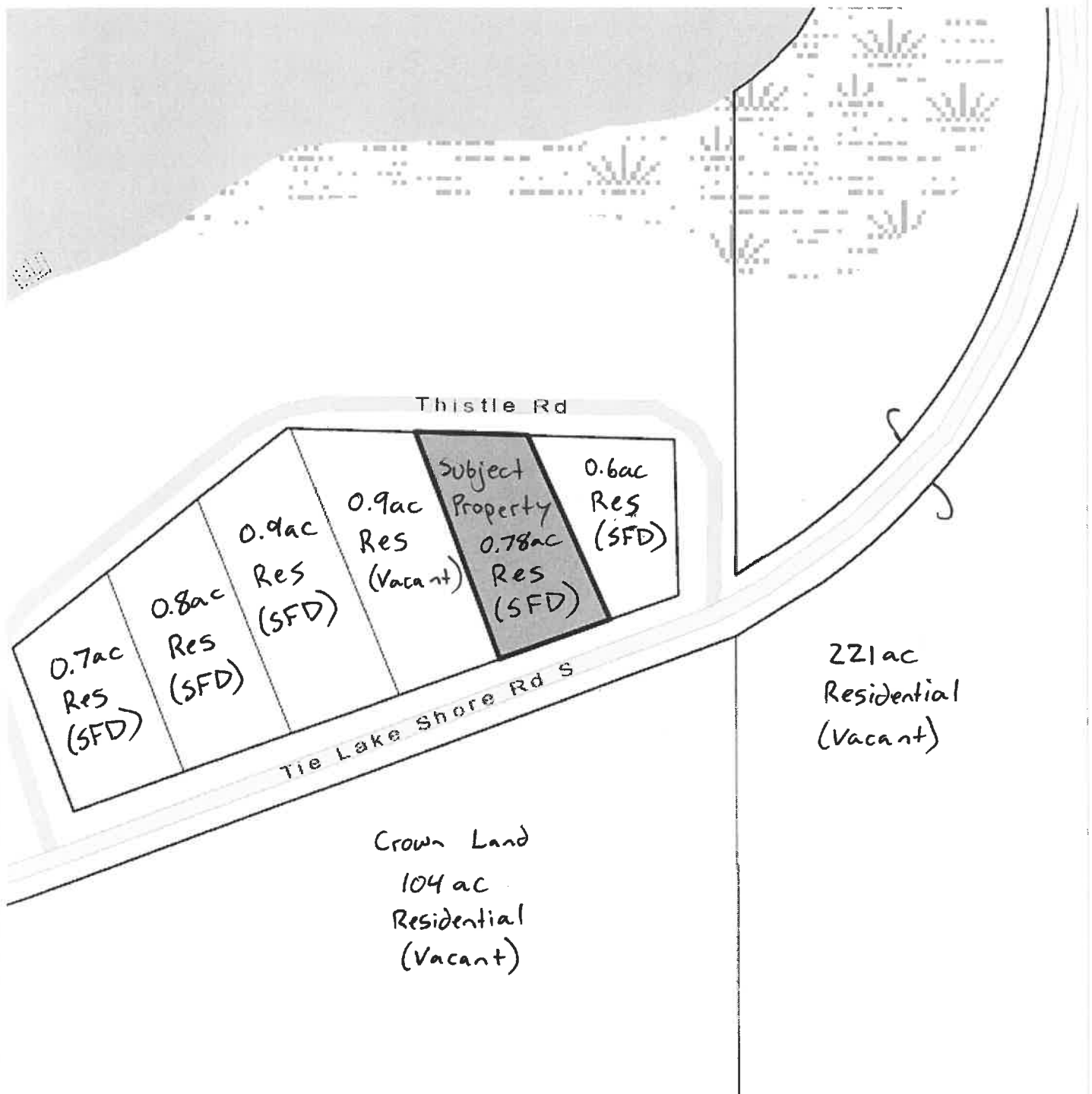
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Land Use Map



Notes:

75 0 38 75 Meters

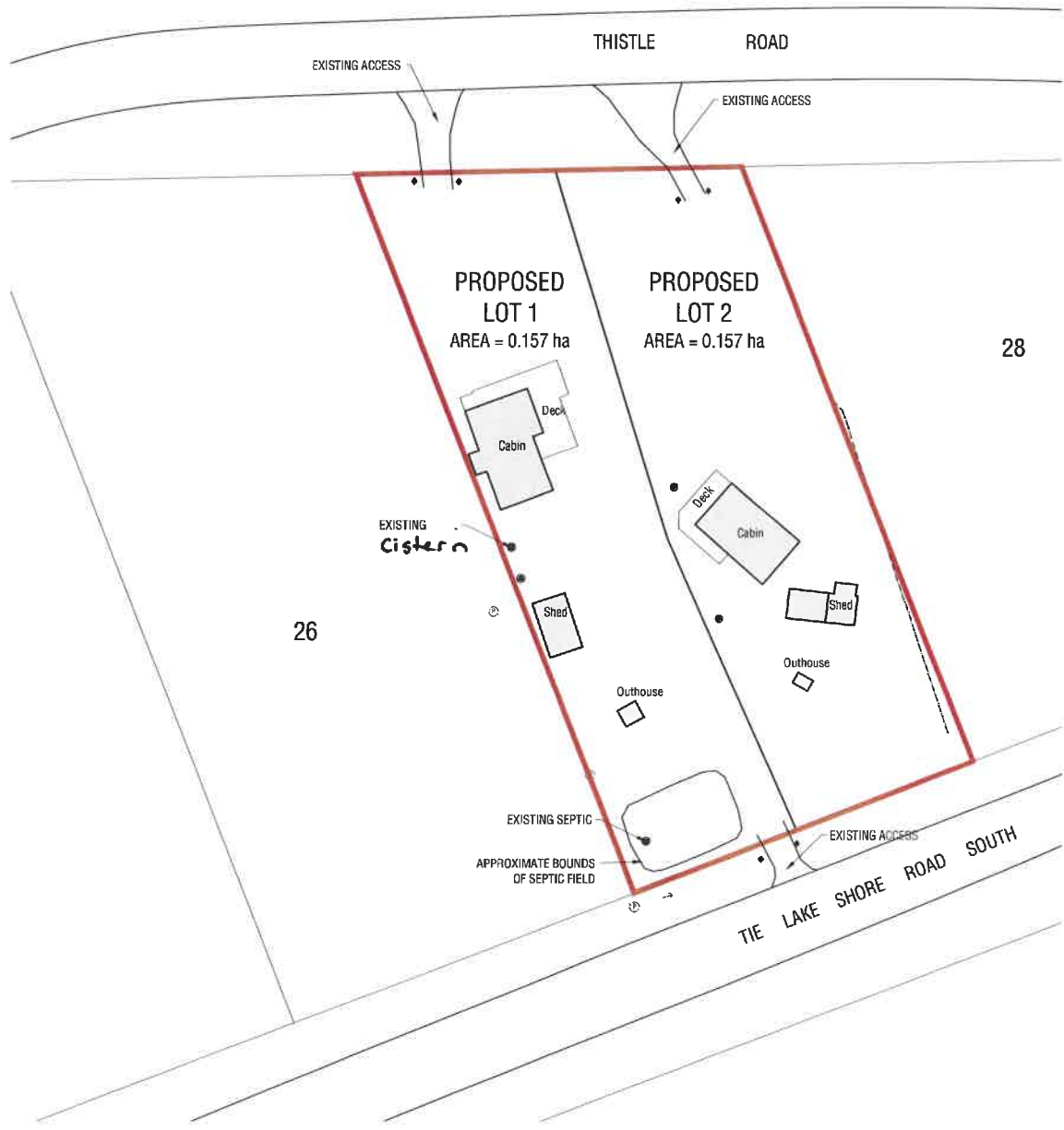
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RDEK GeoViewer - 12-2-2019 3:18 PM

Scale = 1: 3,000



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PROPOSED SUBDIVISION

Legal Description: Proposed Lot 1, District Lot 4590, Kootenay District Plan EPP _____

Registered Owner: Thomas and Brenda Fenwick
PO Box 655
Turner Valley, AB T0L 2A0

Parcel Area: 0.157 Hectares (0.38 Acres)

Zoning: RS-1(A) Residential Single Family (A)

Legal Description: Proposed Lot 2, District Lot 4590, Kootenay District Plan EPP _____

Registered Owner: Brian Malacko, Frances Malacko, Ernest Malacko
522 Dieppe Boulevard
Lethbridge, AB T1J 3X5

Parcel Area: 0.157 Hectares (0.38 Acres)

Zoning: RS-1(A) Residential Single Family (A)

HAWORTH
Development Consulting

Box 223, Suite 203, 920 - 7th Avenue,
Vancouver, British Columbia V6A 1H0
T: 250.542.1227

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REVISIONS

NO.	DATE	DESCRIPTION

FENWICK / MALACKO PROPERTY

1500 THISTLE ROAD
TIE LAKE, BRITISH COLUMBIA

SCALE:	AS NOTED
DATE:	14 SEPT 2019
ISSUED FOR:	DEVELOPMENT
PROJECT NUMBER:	12126
DESIGN BY:	RH
DRAWN BY:	RH

DRAWING TITLE PROPOSED PLAN OF SUBDIVISION

DRAWING NUMBER

Request for Decision Development Variance Permit Application

File No: P 720 301
Reference: DVP 1-20
Date: February 24, 2020

Subject: DVP 1-20 (Wycliffe / Keeler & Kreutzer)
Applicant: Justin Keeler & Tyranne Kreutzer
Location: 5771 Wycliffe-Perry Creek Rd
Legal: District Lot 15732, Kootenay District

Proposal: Application to vary section 1.10 (2)(d) the Wycliffe Zoning & Floodplain Management Bylaw. The applicant is requesting to reduce the setbacks for all enclosed runs and buildings used for kennel purposes which requires a setback of not less than 60 m to 7.5 m on the front parcel line, 0m on the South interior side yard and 28 m on the East interior side yard.

Options:

1. THAT Development Variance Permit No. 1-20 (Wycliffe / Keeler & Kreutzer) be granted.
2. THAT Development Variance Permit No. 1-20 (Wycliffe / Keeler & Kreutzer) be refused.

Recommendation: **Option #2**
The requested variance is a large reduction of the minimum setback requirement for a kennel and the subject property has adequate space for a kennel to meet setbacks on the other side of the right of way. The proximity of the kennel to the RDEK regional park, while unlikely to impact current operations, could compromise future use or development of that area of the park.

Property Information: **OCP Designation:** LH, Large Holdings which supports residential development and rural resource land uses on parcel sizes in the range of 2.0 ha to 8.0 ha.

OCP Policies:

- Residential developments are encouraged to be designed to meet the needs of permanent full-time residents.

Zoning Designation: RR-8, Rural Residential (Country) Zone, minimum parcel sizes: 8.0 ha.

Parcel Area: 11.5 ha (28.4 ac)

Density: One single family dwelling plus one secondary suite or one duplex.

ALR Status: Within the ALR, pet breeding and boarding is permitted in the ALR.

**Property
Information
- cont'd:**

BC Assessment: Residential (2 Acres or more-SFD)

Flood Hazard Rating: The subject property is within flood torrent hazard rating area G. Habitable areas discouraged in these areas.

Water / Sewer Services: Onsite

Interface Fire Hazard Rating: Moderate to high, not within a fire protection area

**Additional
Information:**

- The application states that the kennel operation includes dog walking and boarding of approximately 120 dogs per week, with two employees and two vans.
- A building permit for an addition was approved in July 2019 without knowing the addition would be used as a kennel. The addition enclosed an existing carport and is now 95% complete. The area has an office, the kennel, consisting of an indoor space for the dogs, twelve separate sleeping spaces and five separate yards within one large fenced area.
- The application states that they purchased this property due to it bordering the Wycliffe Regional Park on three sides, being the only house nearby so there is no traffic driving by to disturb the dogs, the kennel is located in a gully surrounded by trees and the trees provide natural shade for the dogs in the summer.

Consultation:

Advisory Commissions:

APC Area C: Support.

Environmental Services Comments: No concerns as long as the dogs are within a fenced compound and are not roaming around the park. However, the potential for noise could impact neighbours, including future users or development at Wycliffe Regional Park.

Response(s) to Notice: 6 notices were mailed on January 22, 2020 to all property owners within 100 m of the subject property. No notices were returned as undeliverable and one response has been received stating they have no objections to the proposal.

**Documents
Attached:**

- Permit
- Location Map
- Land Use Map
- Site Plan
- Aerial Photo
- Response Letter

**RDEK
Contact:**

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdek.bc.ca

Permittees: Justin Keeler & Tyranne Kreutzer

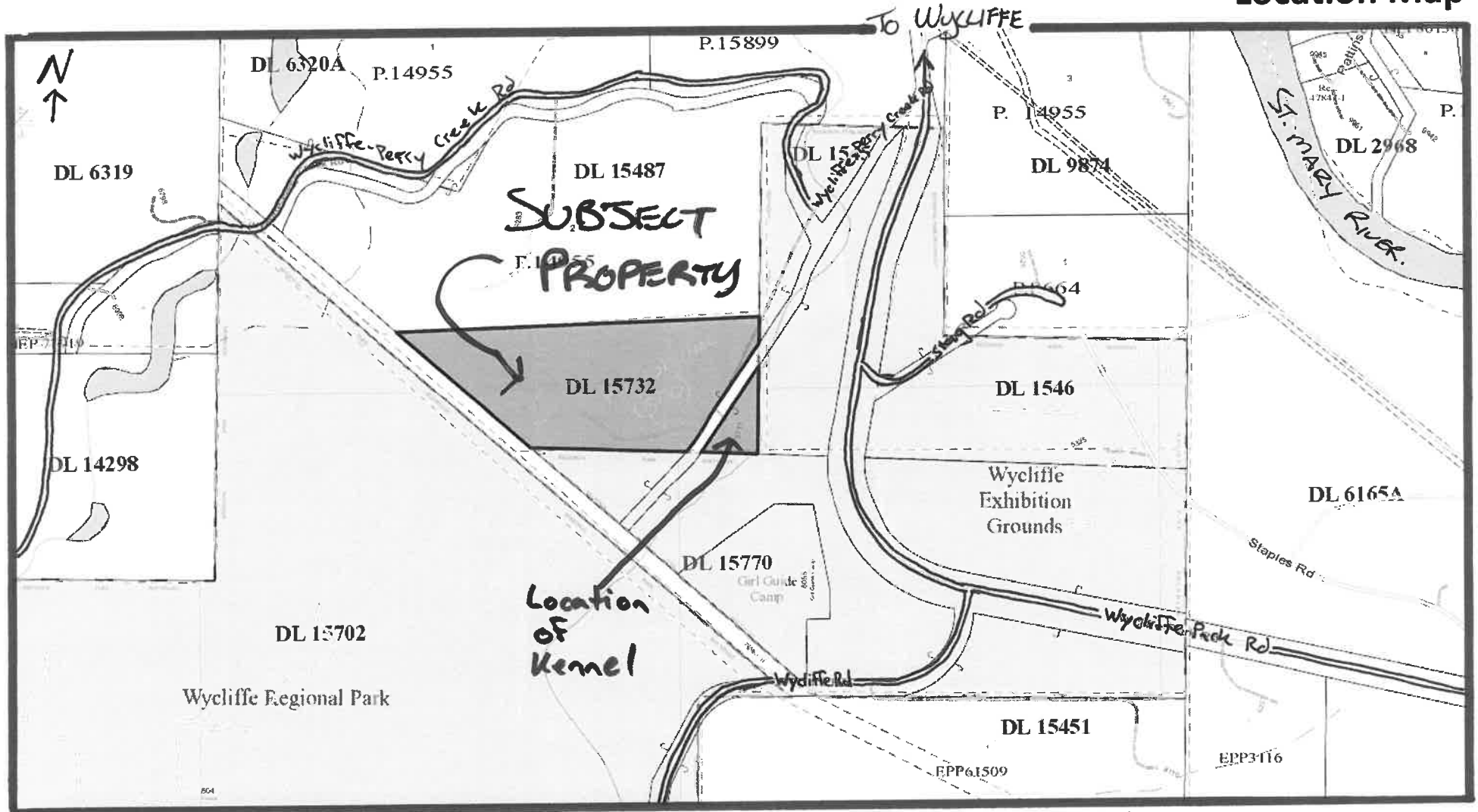
1. This Development Variance Permit is issued subject to compliance with all RDEK bylaws applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below:

District Lot 15732 Kootenay District
[PID: 016-495-918]
3. Regional District of East Kootenay – Wycliffe Zoning and Floodplain Management Bylaw No. 2256, 2010, Section 1.10(2)(d), which requires all enclosed runs and buildings used for kennel purposes must be sited not less than 60 m from a parcel line, is reduced to 7.5 m from the front parcel line, 0 m from the south side parcel line and 28 m from the east parcel line .
4. The lands described herein shall be developed strictly in accordance with the terms and conditions of this Permit and in substantial compliance with the development variance permit application received on January 3, 2020.
5. This Permit shall come into force on the date of an authorizing resolution passed by the RDEK.
6. This Permit is not a building permit.
7. If development authorized by this Permit does not commence within two years of the issue date of this Permit, the Permit shall lapse.
8. A notice pursuant to Section 503(1) of the *Local Government Act* shall be filed in the Land Title Office and the Registrar shall make a note of the filing against the title of the land affected.
9. It is understood and agreed that the RDEK has made no representations, covenants, warranties, guarantees, promises, or agreement (verbal or otherwise) with the developer other than those in this Permit.
10. This Permit shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

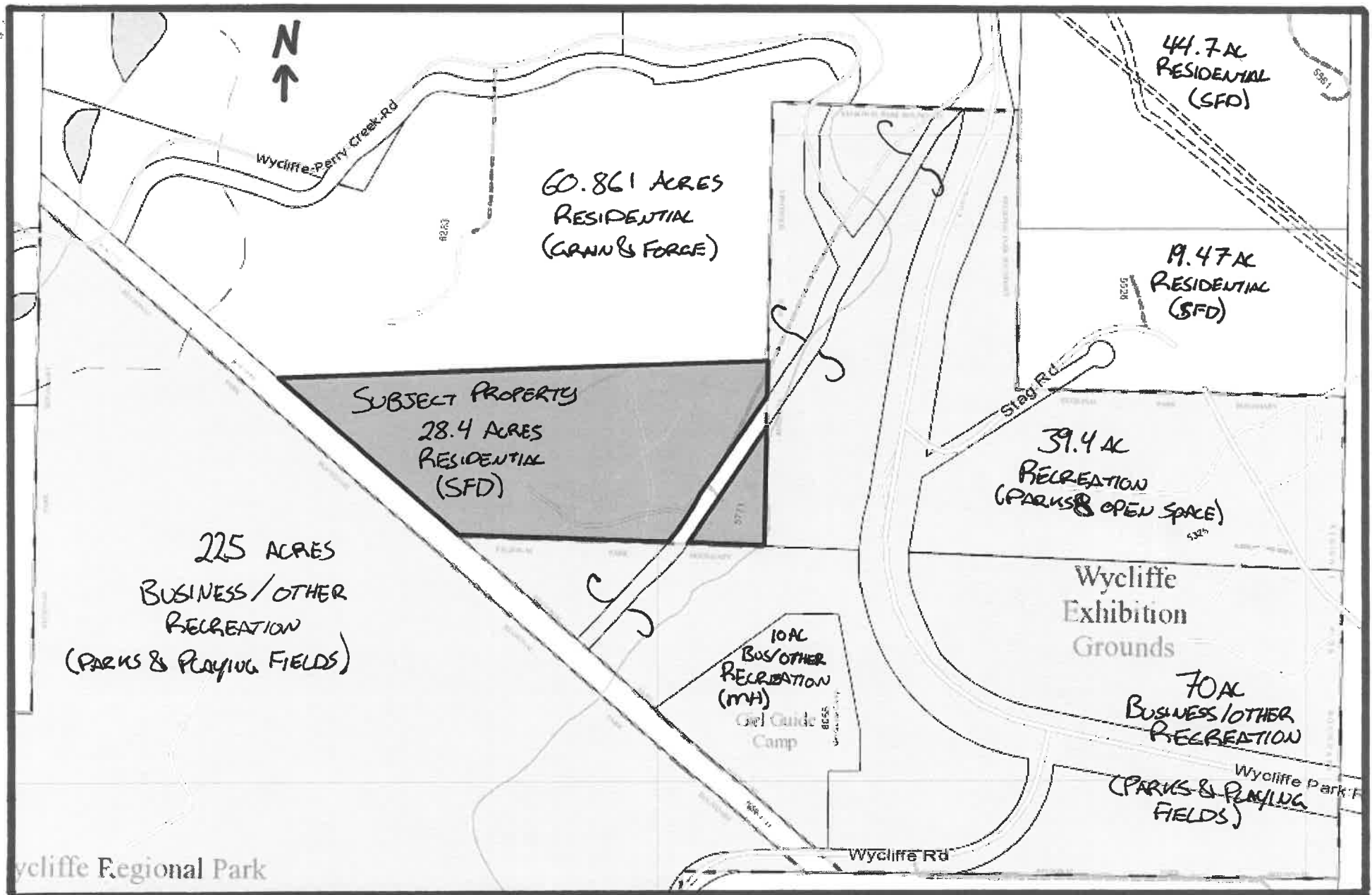
Authorizing Resolution No. **adopted by the Board of the Regional District of East Kootenay on the** **day of** **, 2020.**

Shannon Moskal
Corporate Officer

Location Map



Land Use Map



Site Plan

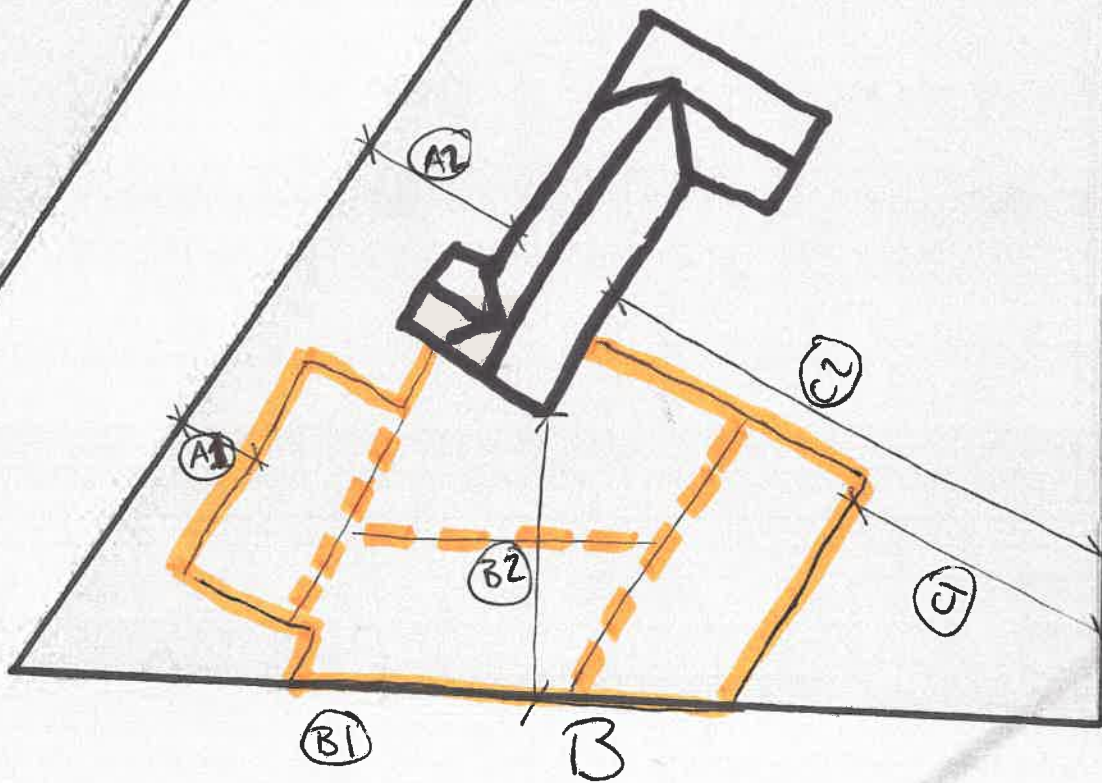
N
↑

	FENCE	BUILDING
A1	7.5m	
A2		21m
B1	0m	
B2		31m
C1	28m	
C2		50m

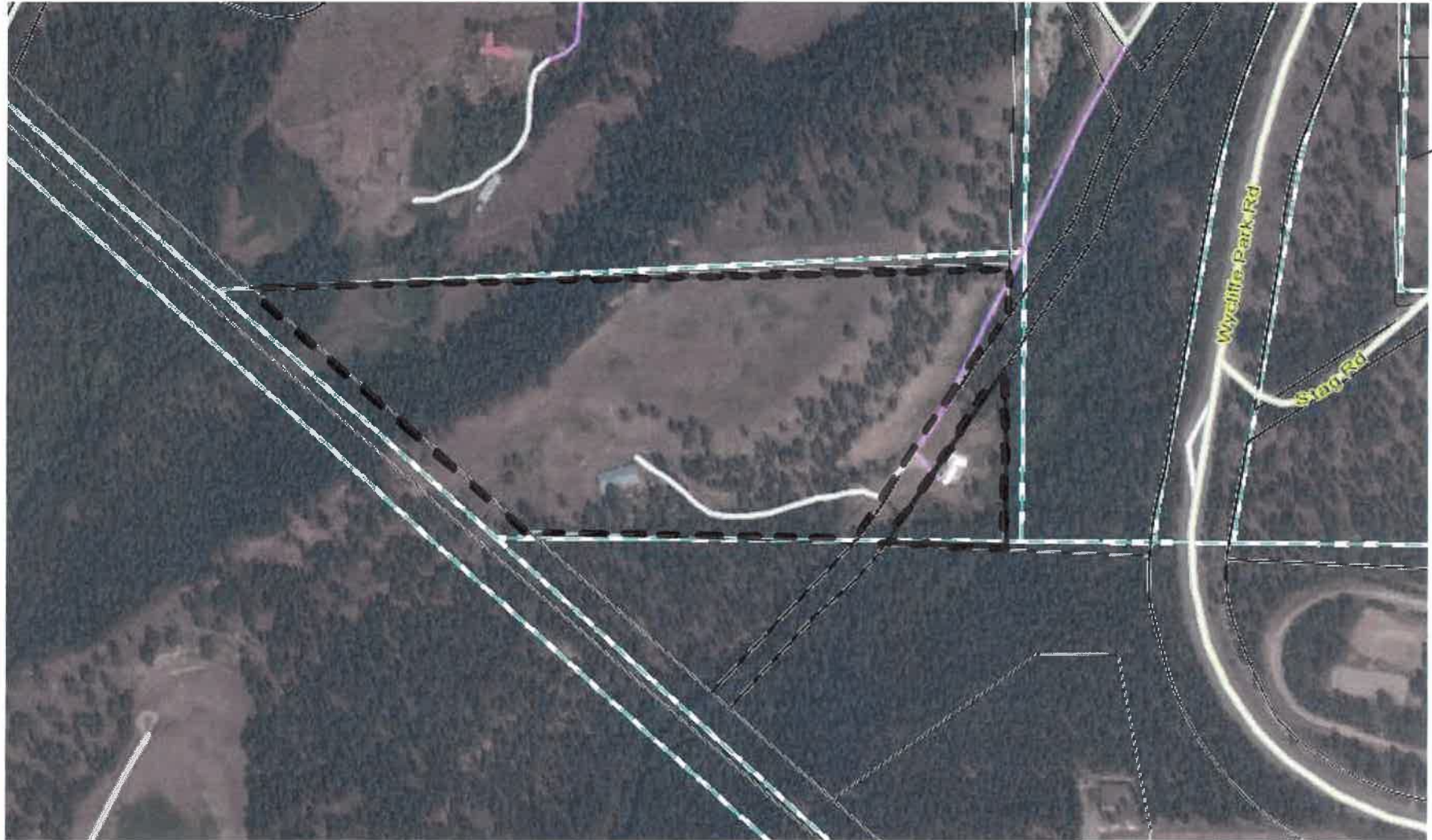
A

C

B



Aerial Photo



Notes:

--- Subject Property

175 0 88 175 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
RDEK GeoViewer - 1-21-2020 12:26 PM

Scale = 1: 7,000



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Request for Decision Development Variance Permit Application

File No: P 720 203
Reference: DVP 2-20
Date: February 24, 2020

Subject: DVP No. 2-20 (Jaffray / Branch Technologies Inc.)
Applicant: Branch Technologies Inc.
Agent: Wayne Kloeckes
Location: George Road, Jaffray
Legal: Lot 7, District Lot 3543, Kootenay District, Plan NEP69267

Proposal: Application to increase the total area permitted for all accessory buildings and structures where the principal building has not been established from 66 m² to 95 m² to permit two sheds and a boat shelter.

Options:

1. THAT Development Variance Permit No. 2-20 (Jaffray / Branch Technologies Inc.) be granted.
2. THAT Development Variance Permit No. 2-20 (Jaffray / Branch Technologies Inc.) be refused.

Recommendation: **Option #1**
No issues have been identified.

Property Information: **Zoning Designation:** RS-1, Single Family Residential Zone, minimum parcel sizes: 0.3 ha

Land Use Objectives and Policies:

- To respect and protect those attributes that contribute to the rural quality of life that makes the area attractive as a place to live and recreate.
- To maintain the high quality visual attributes of the area.
- Board policy supports a pattern of low density residential development consisting of single family dwellings, two family dwellings and single family dwellings with a secondary suite on parcels not fronting the lakes. Higher density residential developments is not supported at this time.
However, in recognition of the need to provide a range of housing options for an aging population and a range of income groups, this policy will be reviewed periodically. Should the need for a broader range of housing options be identified, an amendment to this plan will be required. The amendment may be initiated by the Regional District or by an owner requesting the change.

Parcel Size: 0.31 ha (0.76 acres)

Density: One single family dwelling and secondary suite or duplex is permitted.

**Property
Information -
cont'd:**

ALR Status: Not within the ALR

BC Assessment: Residential (Residential Outbuilding Only)

Water / Sewer Services: Onsite

Interface Fire Hazard Rating: Low to high, within the Jaffray fire protection area

Flood Hazard Rating: Subject property is not within a flood hazard rating area.

**Additional
Information:**

- The accessory structures have already been constructed.
- The applicants have stated they are requesting the variance to allow the existing structures to remain intact as they are necessary to establish future development on the property.
- The proposal for the utility structure indicates that the structure includes a shower. The applicant has stated that the shower has not and will not be used until a septic system is installed, which is planned for the upcoming summer.

Consultation:

APC Area B: Support, subject to all future buildings obtaining the necessary permits from the RDEK and the existing building meeting the current building codes.

Response(s) to Notice: 31 notices were mailed on February 6, 2020 to all property owners within 100 m. No notices were returned as undeliverable and one response has been received stating concerns over the proposal as it is a residential neighbourhood where all surrounding lots have houses on them, the proximity of the shower structure to his well and how it may impact his drinking water and the number of recreational vehicles on the property at times throughout the year. See attached letter.

**Documents
Attached:**

- Permit
- Location Map
- Land Use Map
- Site Plan
- Proposal
- Response Letter

**RDEK
Contact:**

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdek.bc.ca

Permittee: Branch Technologies Inc.

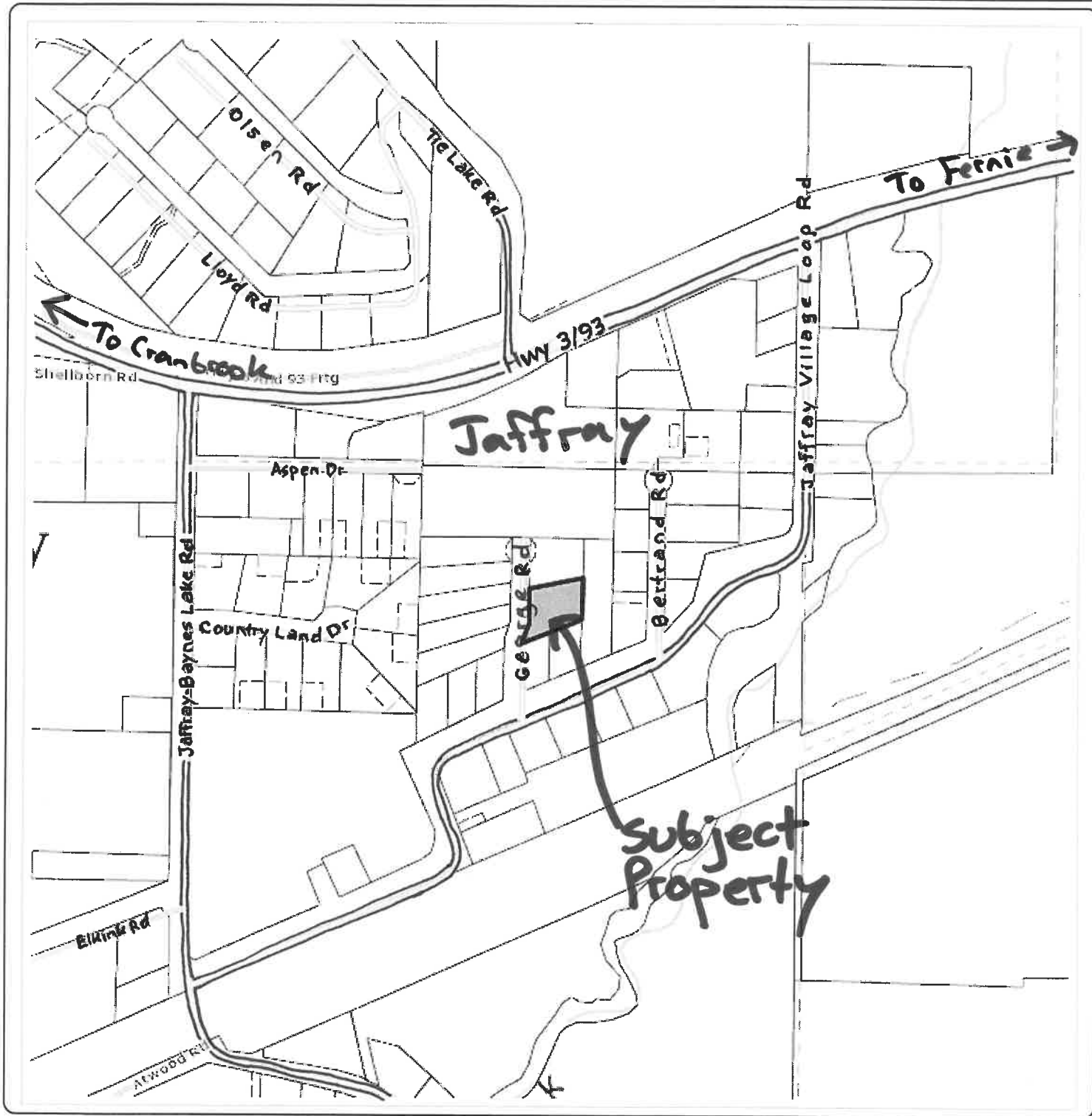
1. This Development Variance Permit is issued subject to compliance with all RDEK bylaws applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below:

Lot 7, District Lot 3543, Kootenay District Plan NEP69267
[PID: 025-080-946]
3. Regional District of East Kootenay – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw No. 1414, 1999 Section 8.03 (3) (f) which permits accessory buildings and structures where the principal building has not been constructed to a total of 66 m², is varied to increase the total permitted from 66 m² to 95 m² to permit two sheds and a boat shelter.
4. The lands described herein shall be developed strictly in accordance with the terms and conditions of this Permit and in substantial compliance with the development variance permit application received on January 27, 2020.
5. This Permit shall come into force on the date of an authorizing resolution passed by the RDEK.
6. This Permit is not a building permit.
7. If development authorized by this Permit does not commence within two years of the issue date of this Permit, the Permit shall lapse.
8. A notice pursuant to Section 503(1) of the *Local Government Act* shall be filed in the Land Title Office and the Registrar shall make a note of the filing against the title of the land affected.
9. It is understood and agreed that the RDEK has made no representations, covenants, warranties, guarantees, promises, or agreement (verbal or otherwise) with the developer other than those in this Permit.
10. This Permit shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

Authorizing Resolution No. **adopted by the Board of the Regional District of East Kootenay on the day of , 2020.**

Shannon Moskal
Corporate Officer

Location Map



Notes:

225 0 113 225 Meters

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RDEK GeoViewer - 2-4-2020 9:34 AM

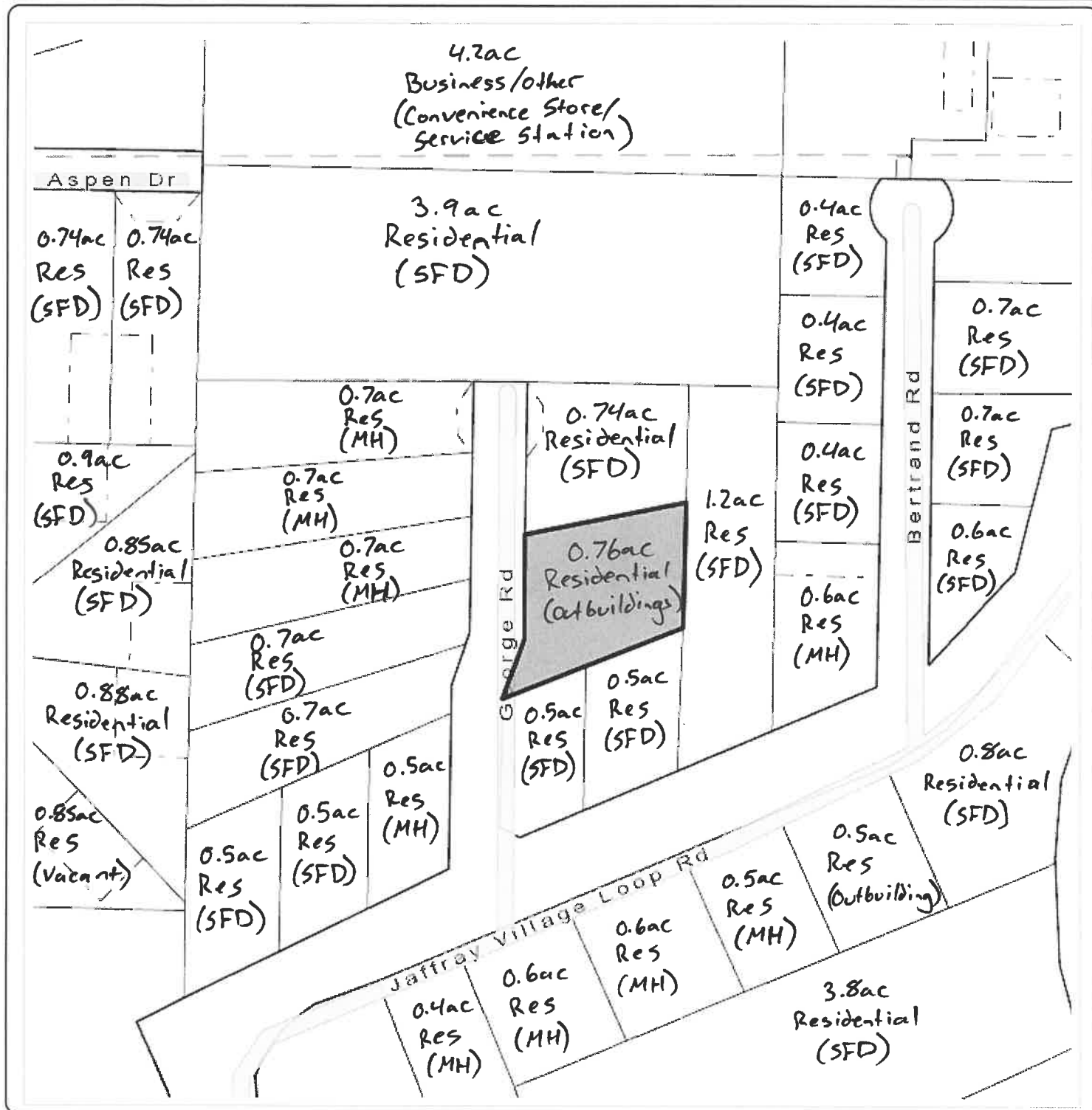
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Land Use Map



Notes:

75 0 38 75 Meters

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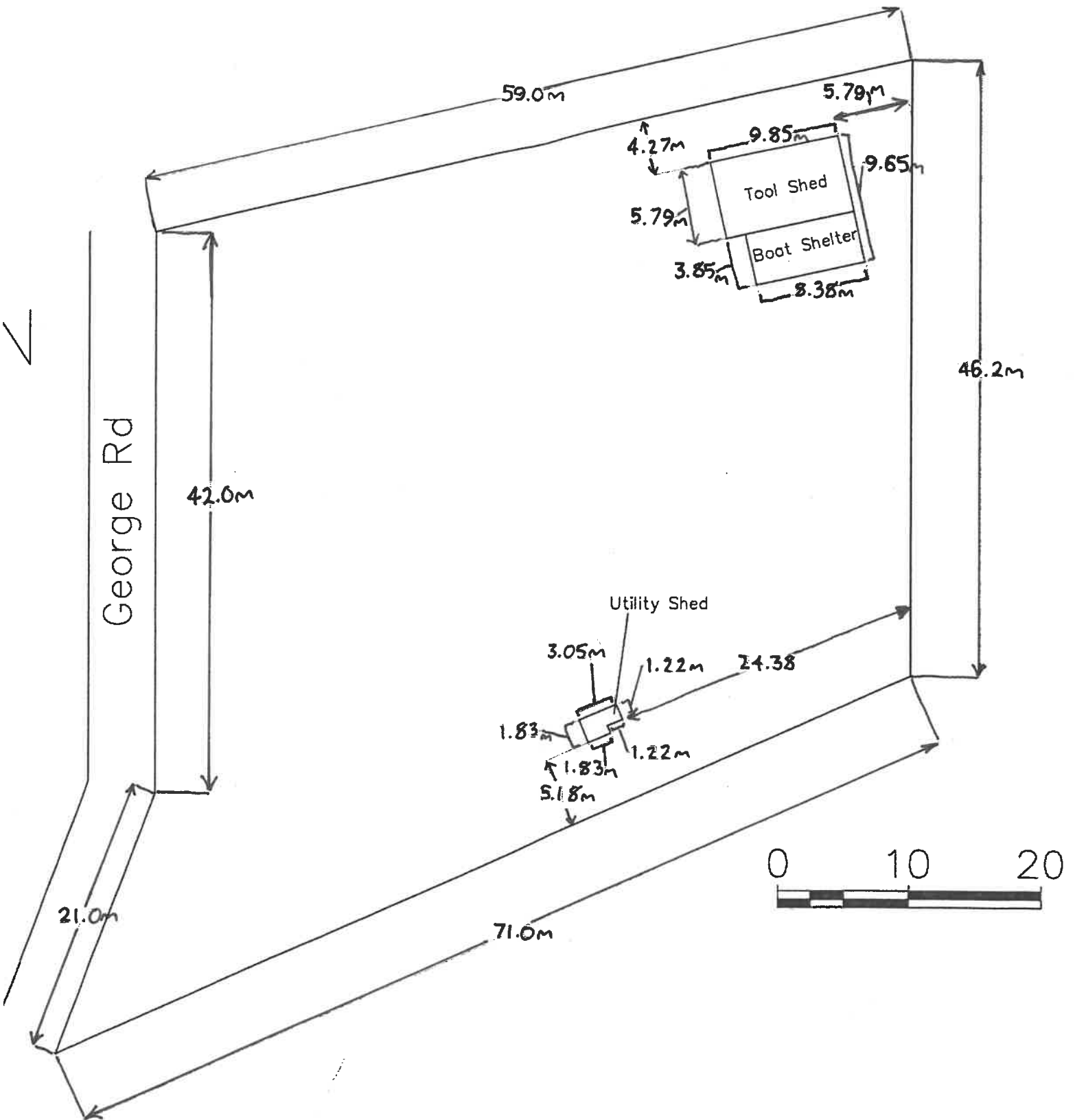
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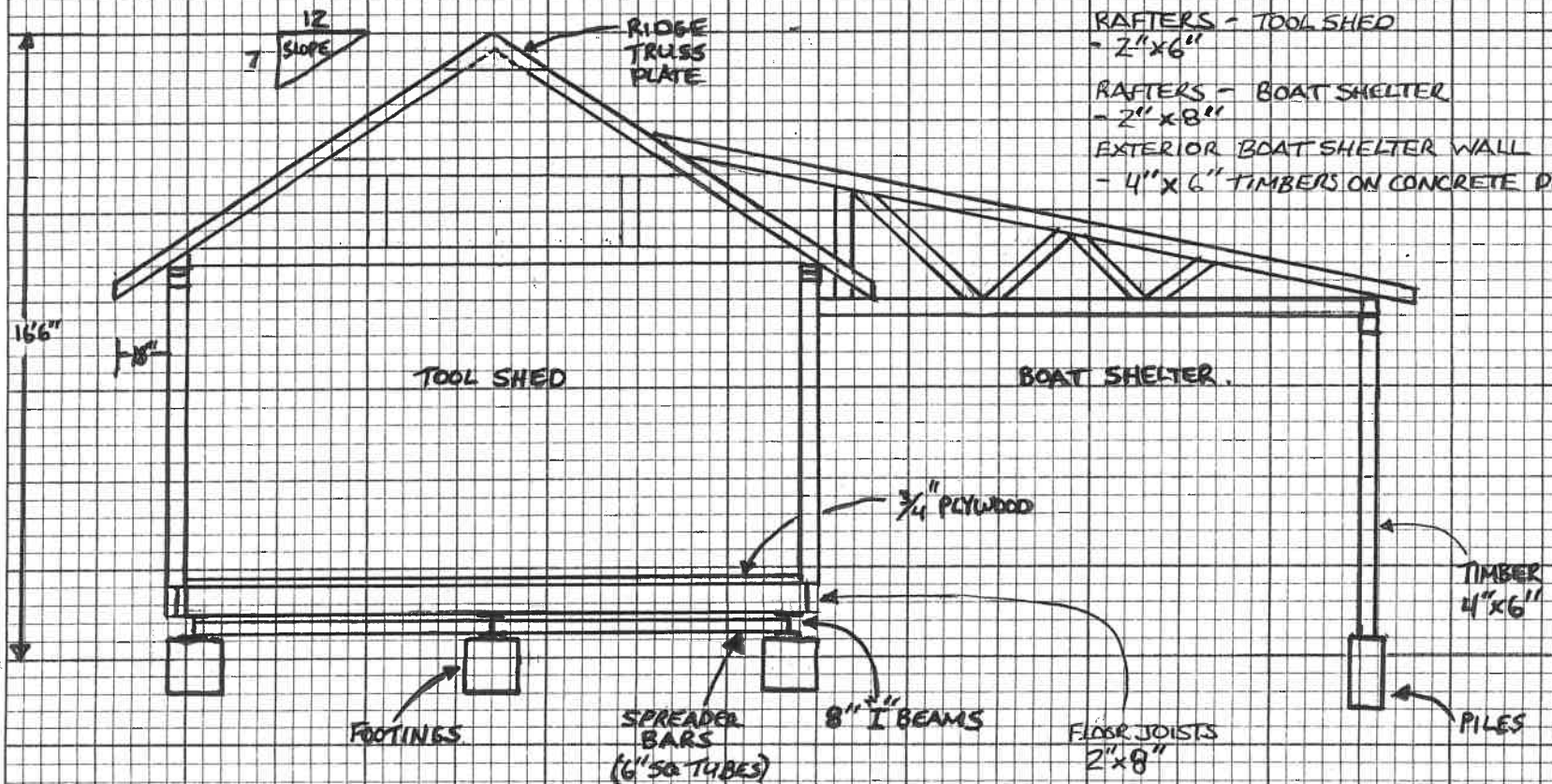
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Site Plan



Proposal

TOOL SHED / BOAT SHELTER CROSS SECTION



CONSTRUCTION DETAILS

FOUNDATION

- THREE 8" I BEAMS CONNECTED BY SIX 6" SQUARE TUBES (SPREADER BARS) ON CONCRETE FOOTING.

FLOOR

- 2" x 8" FLOOR JOISTS / w 3/4" PLYWOOD

WALLS

- 2" x 4" / w 5/8" OSB

RAFTERS - TOOL SHED

- 2" x 6"

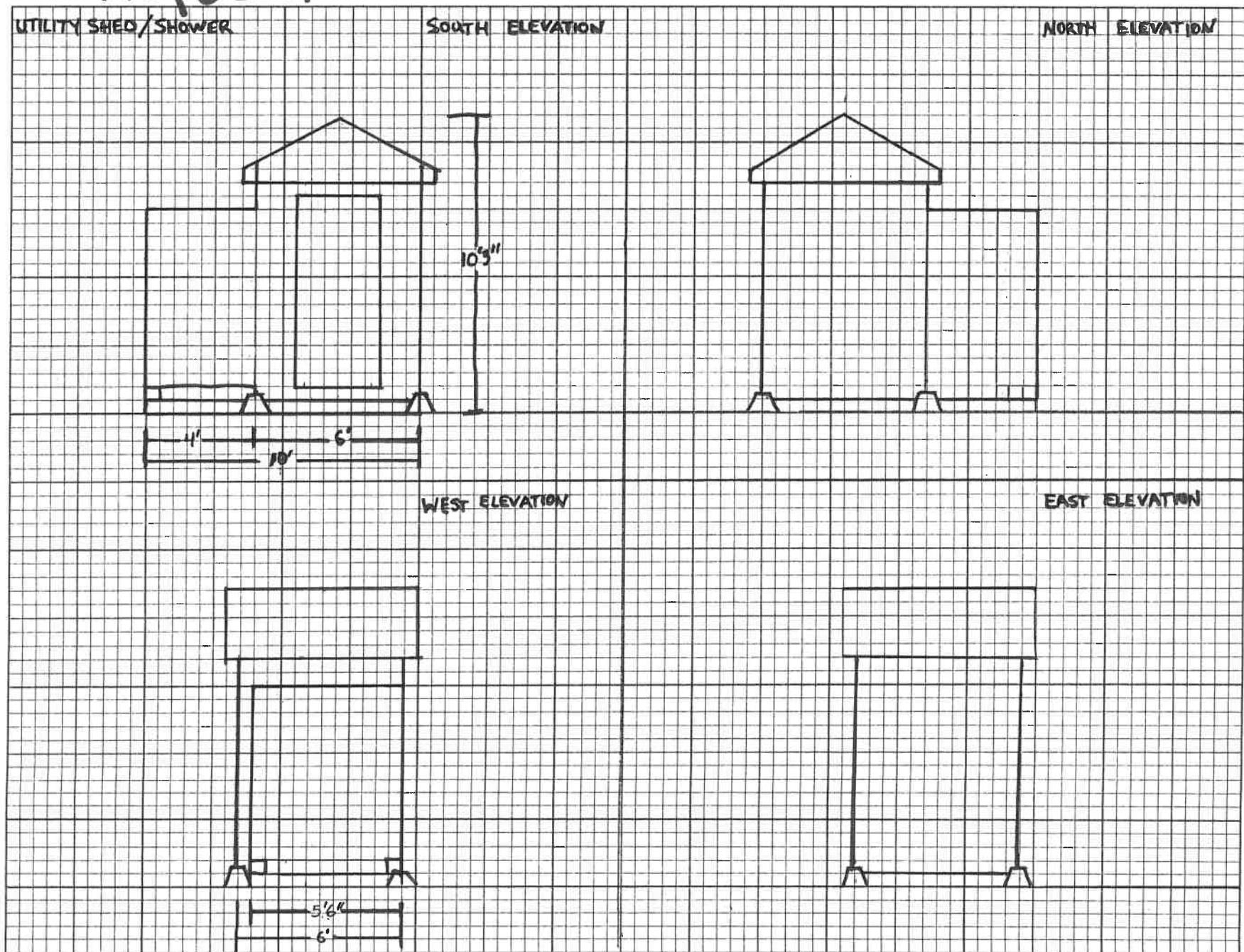
RAFTERS - BOAT SHELTER

- 2" x 8"

EXTERIOR BOAT SHELTER WALL

- 4" x 6" TIMBERS ON CONCRETE PILES

Proposal



Krista Gilbert

From: Ed Lester [REDACTED]
Sent: February 20, 2020 10:46 PM
To: Krista Gilbert
Subject: Re: Development Variance Permit No.2-20

On February 20, 2020 at 9:24 PM, Ed Lester [REDACTED] wrote:

Dear Krista Gilbert and Andrew McLeod

When the regional district of East Kootenay board of directors ask for a variance in the management area for

Jaffray, Tie lake, Rosen lake, land use & floodplan management for all accessory buildings and structures where the principal building has not been established from 66 square meters to 95 square meters to permit two sheds and a boat shelter. On the subject property located on George road, in Jaffray.

My first and for most concerns are this is residential area having homes on all the joining lots. Secondly the aforesaid buildings one of which is located 15 feet from my well for drinking water on the side of this building is a wash house that has no drainage to a septic field, 20 feet from well was a out door above ground out house with human waste in it, if by chance that out house was to have a leak it would contaminate our well < this my real concern>. So all these concerns I have taken to Mrs. Kathy Peggins att. at the health board to see what can be done to fix this problem and that the aforesaid property was out of compliance with the building code and health code.

The other problem with the said property is at times through out the year there is as many as 4 to 5 RVs on that lot. As u are probably aware when there is probably as many as 10 adults and up to 15 children the don't always us the out house and ends up on the ground and in my well, don't get me wrong I have no problem with noise when they are there just want to be in compliance with septic code for me and ever other resident a joining property.

I think that all property areas in Jaffray, Tie lake ,Rosen , be given the opertunity to voice there opinion. Iwill be talking to all the local people in the next few days to let them know of the changes that are proposed.

My address is 7337 Jaffray Villiage Loop Rd
Cell number is [REDACTED]

Sincerely Edward A Lester and Karen L Matejka

Request for Decision Natural Resource Operations Referral

File No: P 151 100
Reference: 539958
Date: February 24, 2020

Subject: Crown Land Section 56/57 – Hornaday Pass / Hornaday Wilderness Society
Applicant: Hornaday Wilderness Society
Agent: Bill Hanlon
Location: Hornaday Pass area, between Sparwood and Elkford
Legal: Unsurveyed Crown Land in the vicinity of Brule Creek

Proposal: Crown land application pursuant to Section 56 or 57 of the *Forest and Range Practices Act (FRPA)* to rehabilitate a managed trail.

- Options:**
1. THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, be advised the RDEK supports the Hornaday Wilderness Society Crown Land application to rehabilitate a managed trail in the vicinity of Hornaday Pass.
 2. THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, be advised the RDEK does not support the Hornaday Wilderness Society Crown Land application to rehabilitate a managed trail in the vicinity of Hornaday Pass.

Recommendation: **Option # 1**
OCP policies support outdoor recreation opportunities that respect and protect resource values. Improvements to the trail to reduce motorized use is consistent with the areas land management plan. In August 2019, the Board passed a resolution supporting a referral for the establishment of the non-motorized Hornaday Pass trail.

Property Information: **OCP Designation:** RR, Rural Resource; includes agricultural, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, green space and recreation.

OCP Policies:

- The provision of a broad spectrum of outdoor recreation opportunities, suitable for both residents and tourists, that respect the need to protect resource values, is supported
- The Regional District encourages management of Crown land in an environmentally responsible manner which:
 - Protects surface and groundwater sources;
 - Manages forest ingrowth;
 - Minimize risk of interface fire and wildfire;
 - Enhances wildlife habitat;
 - Protects viewscales and scenery;

- Protects watershed ecological values, including waterfowl and fish and their corresponding habitat; and,
- Maintains diverse plant communities by managing invasive plants.

Property Information - cont'd:

Zoning Designation: RR-60, Rural Resource Zone, minimum parcel size: 60 ha. Recreation reserves are a permitted use in all zones

Parcel Size: Area under application: approx. 1200 m of trail

Density: N/A

ALR Status: Not within the ALR.

BC Assessment: N/A

Water / Sewer Services: N/A

Interface Fire Hazard Rating: Low to moderate, Crown land is not serviced by RDEK fire services

Flood Hazard Rating: There are several creeks that run through the subject area. The referral states that the proposal will not impact any water features.

Crown Land Management Plans:

The Southern Rocky Mountain Management Plan designates the area as non-motorized in both snow-free months and snowbound months

Lake Management Plans:

N/A

Shoreline Management Guidelines:

N/A

Additional Information:

- The referral states that the 1,200 m of trail proposed for rehabilitation is the first 1,200 m from the east side of the trail, closest to Sparwood. This portion more closely resembles a 'road' and has seen increasing motorized use in the area. This proposal is intended to resolve those issues.
- The proposed rehabilitation work includes unbuilding the portion of trail that is double tracked with an excavator and then re-establish the single track trail by hand, which would mimic the nature of the rest of the Hornaday Pass recreation trail. The Hornaday Wilderness Society plans to revegetate the disturbed soil along the trail with a native grass seed mix and potentially some shrubs to prevent soil erosion, inhibit the spread of invasive plants and provide a positive aesthetic appearance.
- The referral states that trail maintenance will be conducted following Recreation Sites and Trails BC guidelines and that the present

trailhead signage will be moved to be visible from the Brule Creek FSR.

**Additional
Information -
cont'd:**

- The referral states that the Hornaday Wilderness Society has held the maintenance and stewardship contract with Recreation Sites and Trails BC since 2001 for the Hornaday Pass Trail and advocates for the retention of the historic wilderness values and attributes that this trail provides now and into the future.
- See attached letter.

Consultation:

APC Area A: Not supported.

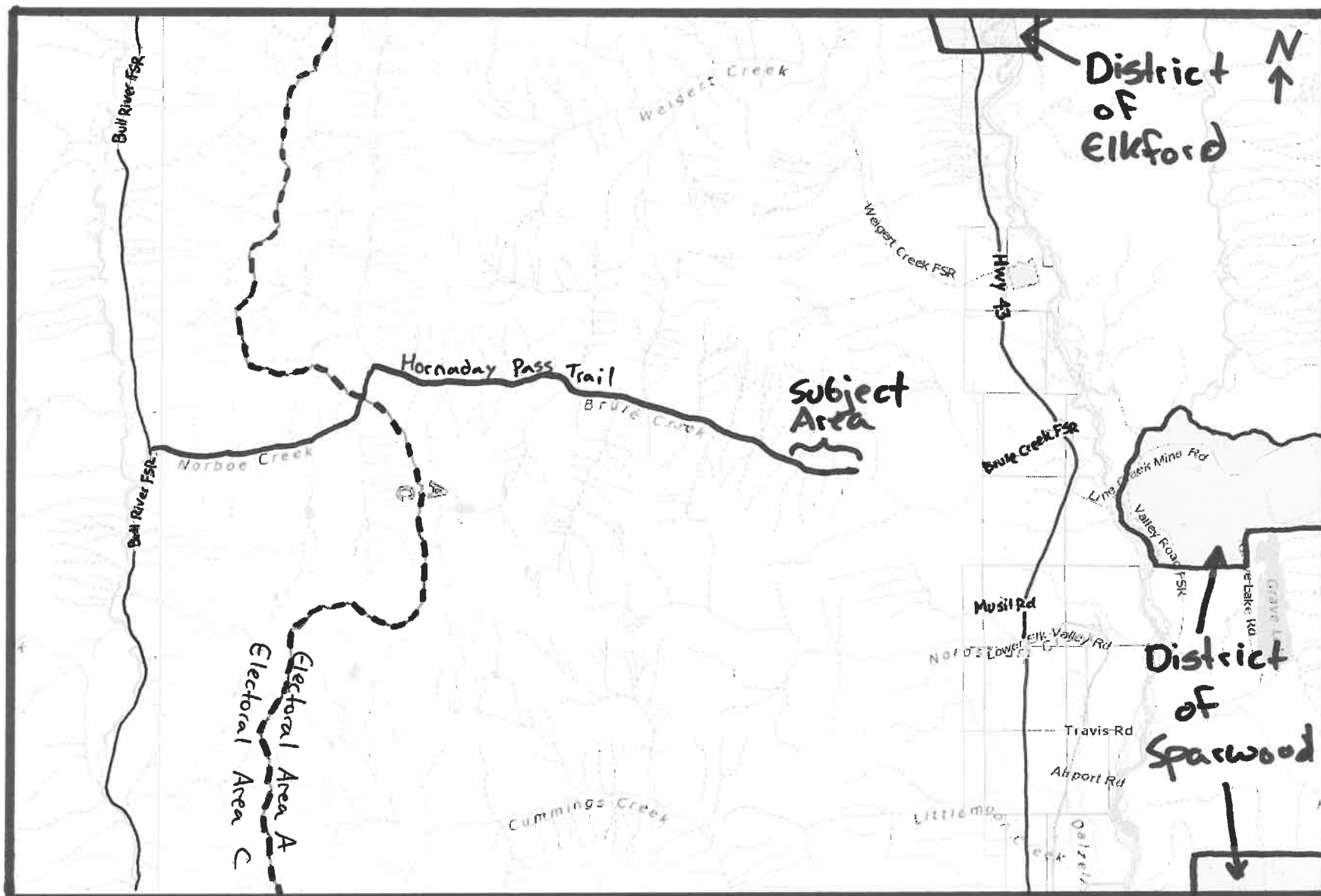
**Documents
Attached:**

- Location Map
- Aerial Photo
- Letter from Referral Agency

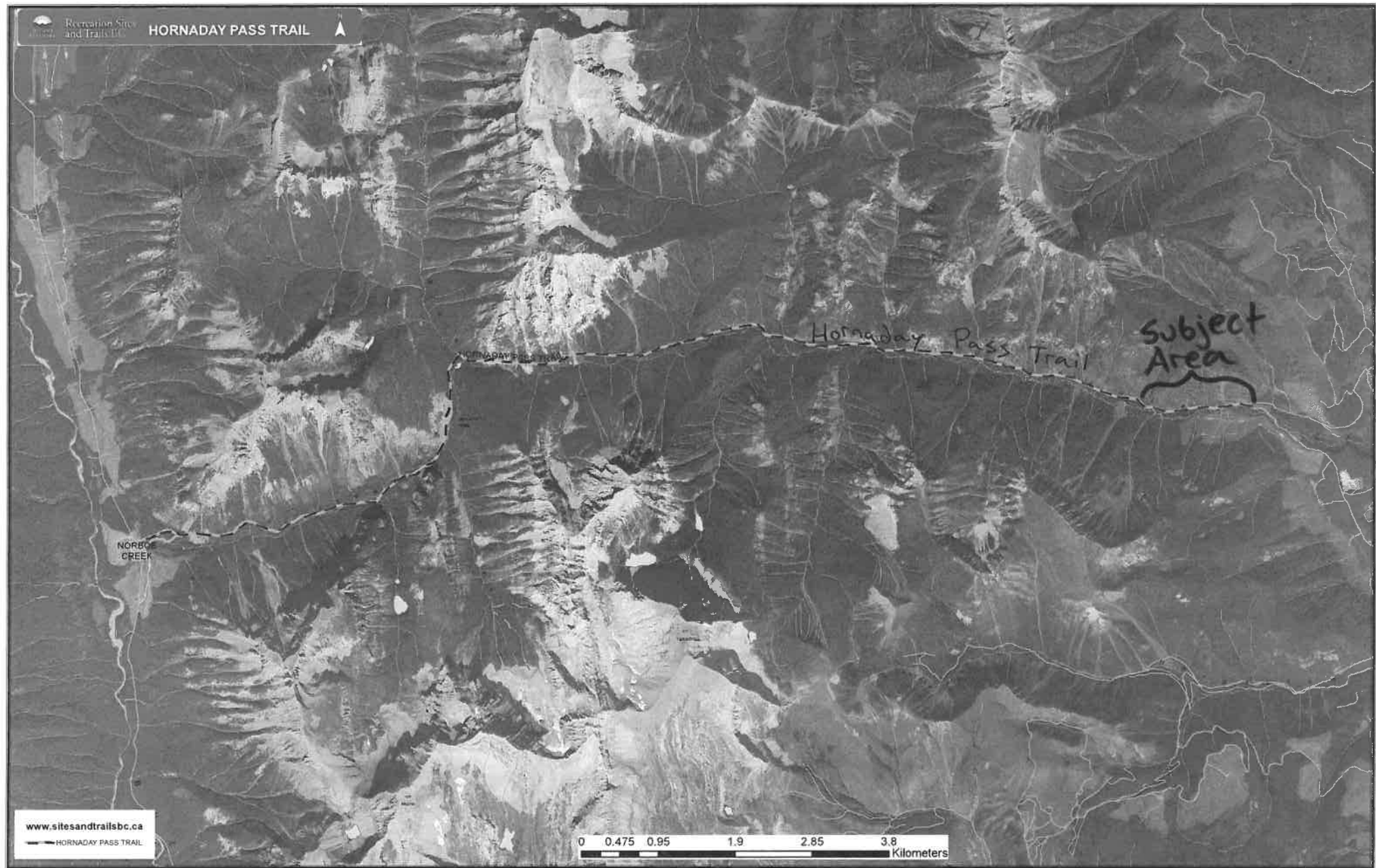
**RDEK
Contact:**

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdek.bc.ca

Location Map



Aerial Photo





September 6, 2019

Ref: 16660-20/5219

Dear Stakeholders:

The Hornaday Wilderness Society (HWS) submitted an application to rehabilitate a 1200 m section of the Hornaday Pass recreation trail to reconstruct it into a single track trail from the junction with the Brule Creek Forest Service Road in the east. This notification is intended to communicate changes to the Hornaday Pass recreation trail, which was formally established under Section 56 of the Forest and Range Practices Act as a non-motorized trail in 1997. However, the history of this trail dates back to 1905. The proposed works are intended to further protect and preserve this public recreation resource as a semi-primitive, non-motorized recreation experience.

The application is made under Section 57 of the *Forest and Range Practices Act* (allowing construction, rehabilitation, and maintenance). As mentioned above, the Hornaday Pass recreation trail is already designated under FRPA Section 56. This designation allows RSTBC to further engage collaboratively with HWS in the ongoing improvements and recreation management in the area. The HWS has had an active Partnership Agreement with RSTBC since 2001 for the stewardship of this and other trails in the Elk Valley.

The proponent has proactively met with a number of stakeholders including the range tenure holder (a letter of support has been provided) and a representative from the Ktunaxa First Nation. The HWS are also aware that there is an active trapline in the area and recognize that the trapper will be authorized under Section 16 of the Forest Recreation Regulations to use the trail motorized during snowbound periods while conducting activities for trapping.

Yours truly,

Lisa Cox
Recreation Officer
Rocky Mountain District

Request for Decision Natural Resource Operations Referral

File No: P 151 200
Reference: 556050
Date: February 24, 2020

Subject: Crown Land Licence of Occupation – Tie Lake / South Kountry Cable Ltd.
Applicant: South Kountry Cable Ltd.
Agent: Ric Behan
Location: Tie Lake Shore Rd N, Tie Lake
Legal: Block H, Kootenay District, except Plan 4090, that part Block H described as exception 13 (see DD34958i and Plan X23) and except Plan NEP77520

Proposal: A Crown land licence of occupation application for a telecommunication site. The proposal is to run a new underground fibre optic cable line from Tie Lake through Crown land.

Options:

1. THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development be advised the RDEK supports the South Kountry Cable Ltd. Crown Land Licence of Occupation for a telecommunication site in the Tie Lake area.
2. THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development be advised the RDEK does not support the South Kountry Cable Ltd. Crown Land Licence of Occupation for a telecommunication site in the Tie Lake area.
3. THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development be advised the RDEK supports the South Kountry Cable Ltd. Crown Land Licence of Occupation for a telecommunication site in the Tie Lake area, subject to ALC approval.

Recommendation: Option #3

The proposed improvements are within an existing utility corridor and wireless communication facilities are an identified permitted use within the subject area. Once completed there will be minimal visual evidence of the proposed cable line in the area. An ALC approval for the construction of a utility corridor is required for land within the ALR.

**Property
Information:**

Land Use Designation: Multiple - RR-60, Rural Resource Zone, minimum parcel size: 60 ha; and P-1, Public Institutional Zone. Wireless communication facilities are permitted in both zones.

Land Use Objectives:

- To respect and protect those attributes that contribute to the rural quality of life that makes the area attractive as a place to live and recreate.
- To maintain the high quality visual attributes of the area.

**Property
Information -
cont'd:**

Parcel Size: area under application approx. 1.15 ha (2.84 ac)

Density: N/A

ALR Status: Within. An application for construction of a utility corridor use is required for land within the ALR.

BC Assessment: Residential (Vacant)

Water / Sewer Services: N/A

Interface Fire Hazard Rating: Low to high; not in a fire protection area

Flood Hazard Rating: Floodplain regulations do not apply to proposed development as the proposal does not include a floor system supporting any space or room.

**Crown Land
Management
Plans:**

The Cranbrook West Recreation Management Plan identifies the subject area as motorized in snow free months and Ungulate winter range: Motorized use on roads and identified travel corridors only in winter months.

**Lake Management
Plans:**

N/A

**Shoreline
Management
Guidelines:**

N/A

**Additional
Information:**

- The referral states that the project involves the installation of 50mm DBII duct through excavation. The ducting will tie into previously installed duct work owned by the applicants on the south end of the proposal area. Phase two will involve fiber optic line being pulled into the ducts.
- The referral states that the federal government has issued new mandates for internet connections to residential properties. The community of Tie Lake is currently underserved by these new standards. By running a new fibre optic line from Tie Lake through tenured Crown land the applicants can tie into their existing fire optic plant.
- The referral states that the proposed route offers the shortest, most direct access to get the infrastructure through, it is the same route that BC Hydro currently uses to run their utilities to service the same area, and it is easily accessible from the existing roadway.

Consultation:

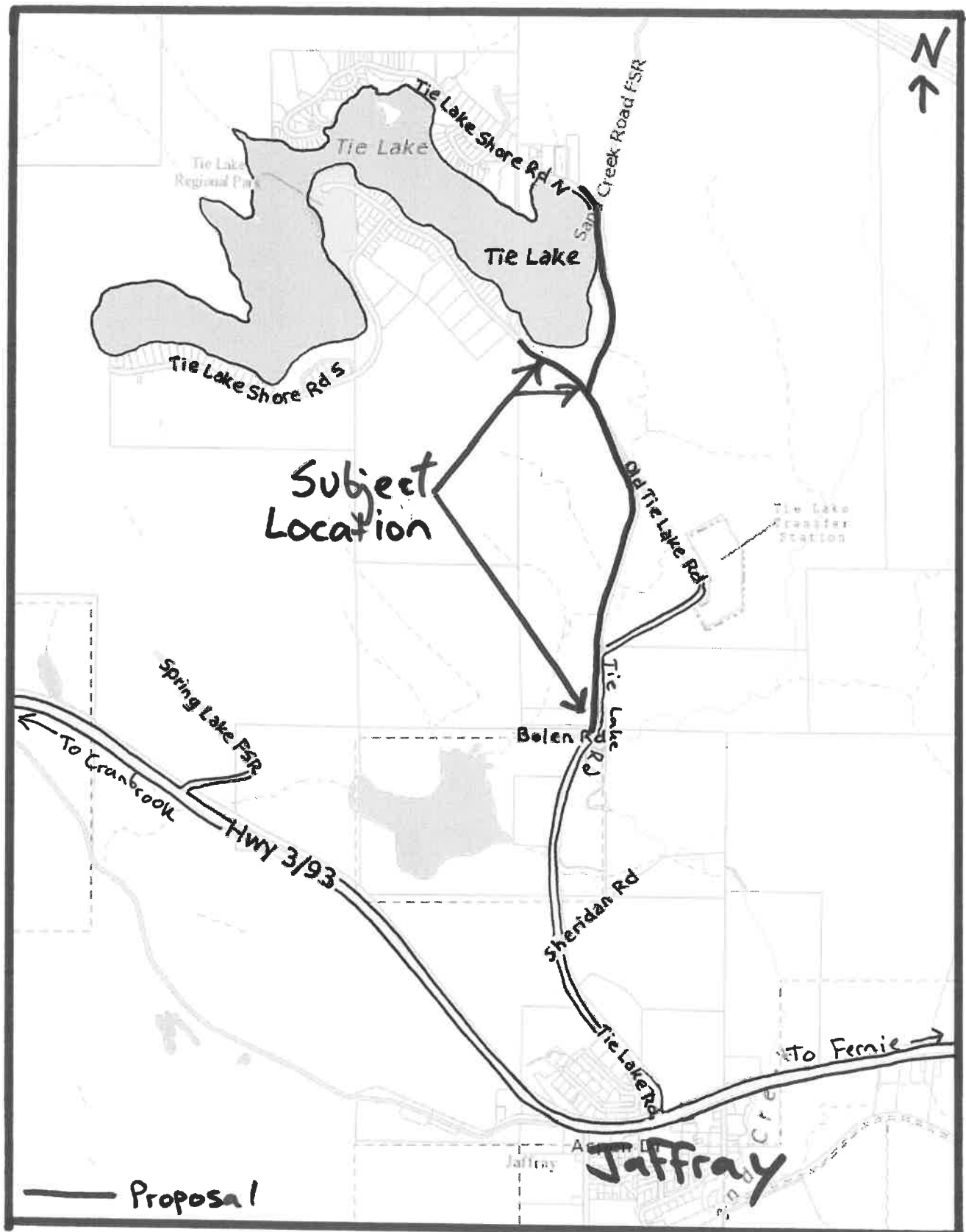
APC Area B: Support.

**Documents
Attached:**

- Location Map
- Proposal

RDEK
Contact: Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdek.bc.ca

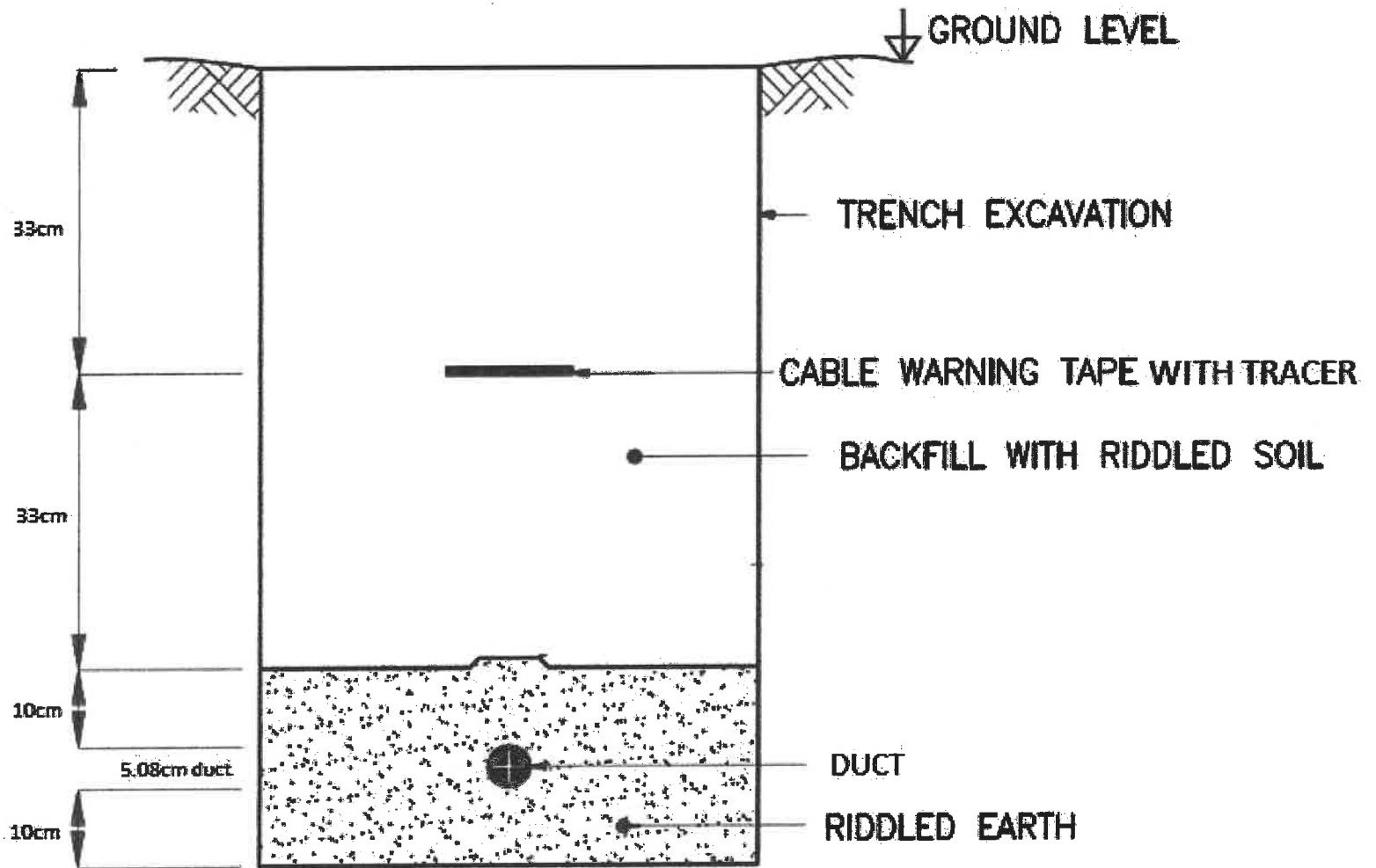
Location Map



Map showing a proposed road layout with the following details:

- End point B:** 49.41759 -115.30365
- End point A:** 49.41091 -115.30759
- Point of commencement:** 49.39352 -115.30294
- Scale:** 1:8464
- North Arrow:** Indicated by 'N'.
- Inset:** 107m from crown land parcel corner.
- Labels:** Tie Lake, Tie Lake Rd, Bolen Rd.

Proposal



CABLE LAYING DETAIL DIRECT BURIED CABLES 415V CABLES

Request for Decision Natural Resource Operations Referral

File No: P 151 200
Reference: 555339
Date: February 24, 2020

Subject: Crown Land Licence of Occupation – Sweetwater / 977230 Alberta Ltd.
Applicant: 977230 Alberta Ltd.
Agent: Burwell Avenue Land Consulting
Location: Kikomun-Newgate Rd, near Sweetwater, west of Lake Koocanusa
Legal: Parts of District Lots 3704, 10350 and 12987, Kootenay District

Proposal: Application for a 10 year Licence of Occupation over an existing road to access a private parcel owned by the applicant.

Options:

1. THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development be advised the RDEK supports the 977230 Alberta Ltd. Crown Land Licence of Occupation for a roadway in the Sweetwater area.
2. THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development be advised the RDEK does not support the 977230 Alberta Ltd. Crown Land Licence of Occupation for a roadway in the Sweetwater area.

Recommendation: **Option #1**
Highways are a permitted use in all zones and local topography limits other options for access; work required for the road has already been completed under a previous *Land Act* approval.

Property Information: **OCP Designation:** RR, Rural Resource; supports agricultural, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, green space and recreation.

OCP Policies:

- Land in the ALR is generally designated and supported for agricultural use.
- The Regional District encourages management of Crown land in an environmentally responsible manner which:
 - Protects surface and groundwater sources;
 - Manages forest ingrowth;
 - Minimize risk of interface fire and wildfire;
 - Enhances wildlife habitat;
 - Protects views and scenery;
 - Protects watershed ecological values, including waterfowl and fish and their corresponding habitat; and,
 - Maintains diverse plant communities by managing invasive plants.

**Property
Information -
cont'd:**

- Improvements to the road network within the plan area intended to improve public safety are supported.

Zoning Designation: RR-60, Rural Resource Zone, minimum parcel size: 60 ha. Highways are a permitted use in all zones.

Parcel Size: Area under application: approx. 1.4 ha (3.4 ac)

Density: N/A

ALR Status: Within the ALR. Approval from the ALC was granted in 2010, subject to confirmation being provided by the applicant that arrangements have been made to mitigate impacts on agriculture to the satisfaction of the holder of the grazing lease over DL12987; and the requirements of the Ministry.

BC Assessment: Residential

Water / Sewer Services: N/A

Interface Fire Hazard Rating: Moderate, Crown land is not serviced by RDEK fire services.

Flood Hazard Rating: The area under application is not identified as being within a flood hazard rating area.

**Crown Land
Management
Plans:**

The Southern Rocky Mountain Management Plan designates the area as ungulate winter range: grasslands (hard surfaces only) in snow-free months and ungulate winter range: motorized use on roads and identified travel corridors only in winter months.

**Lake Management
Plans:**

N/A

**Shoreline
Management
Guidelines:**

N/A

**Additional
Information:**

- The referral states that the roadway was approved and constructed under a now expired land act tenure. The roadway has a width of 15 - 20 m.
- The referral states that an archaeological study was completed under the former land file and will be carried forward under this tenure. Badger and bird values are also noted, however, as this roadway already exists, impacts have already been considered under the former tenure.
- The referral states that this constructed access road provides the only practical access to Lot 4, DL 10348, KD, Plan EPP14443 (the applicant's private property), as the frontage on McMorran Drive is very steep and impractical as an access route.

**Additional
Information -
cont'd:**

- The referral states that the roadway would serve one parcel, which is currently undeveloped. Development of the private lands as a recreational residential subdivision may be proposed for the future. The applicant is aware that additional approvals will be required should the proposed development occur.

Consultation:

APC Area B: Support

**Documents
Attached:**

- Site Plan
- Aerial Photo

**RDEK
Contact:**

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdek.bc.ca

977230 ALBERTA LTD
SITE PLAN FOR EXISTING ROAD



977230 Ab Ltd. Roadway

Application
Legend

- ☐ PMBC Parcel Cadastre - Ou
- ☐ Land Districts - Tantalus - Ol
- ☐ Land Act Survey Parcels - T

0 0.73 1.47 km

1: 36,112

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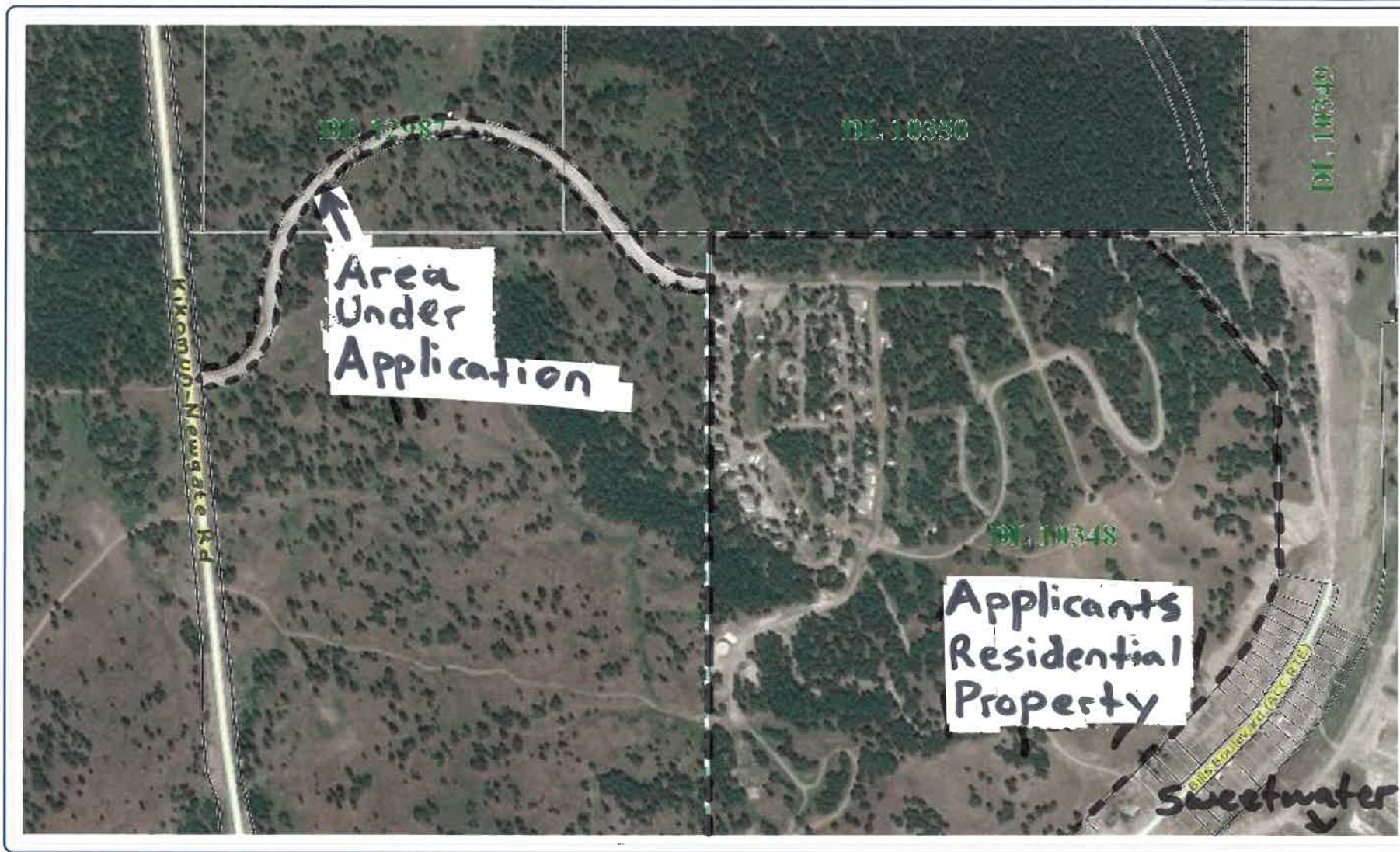
Datum: NAD83

Projection: WGS_1984_Web_Mercator_Auxiliary
Sphere

Key Map of British Columbia



Aerial Photo



Notes:

250 0 125 250 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
RDEK GeoViewer - 2-4-2020 4:30 PM

Scale = 1: 10,000



THIS MAP IS NOT TO BE USED FOR NAVIGATION

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Request for Decision

File No: P 121 002

Date February 21, 2020
Author Michele Bates, Planner
Subject Kootenay and Boundary Farm Advisors (KBFA) – Program Continuation

REQUEST

Approve an amount not exceeding \$60,000 per year for three years to allow the continuation of the Kootenay and Boundary Farm Advisor program to June 30, 2023.

OPTIONS

1. THAT an amount not exceeding \$60,000 per year for three years, to allow the continuation of the Kootenay and Boundary Farm Advisor program to June 30, 2023, be approved to be paid from the Planning service.
2. THAT the Kootenay and Boundary Farm Advisor project partners be advised that RDEK will cease participation in the program at the end of the present contract.

RECOMMENDATION

Option 1.

BACKGROUND

In October 2014, the Regional District Agricultural Plan was adopted. The plan recommends recruitment of an Agricultural Liaison Officer. As the Regional District of Central Kootenay and Kootenay Boundary's Agricultural Plans also refer to similar recruitment it was deemed more efficient and cost effective to share resources to advance and support the agricultural industry and producers throughout the Basin.

In May 2016, the Board authorized the Regional District to participate in the Kootenay and Boundary Farm Advisor program with the Regional District of Central Kootenay, Regional District of Kootenay Boundary and Columbia Basin Trust. The partners agreed to contribute \$60,000 per year for three years to fund KBFA.

Keefer Ecological Services Ltd. was awarded a one-year contract which was extended for an additional two years. The contract terminates on June 30, 2020.

The initial year enlightened KBFA Advisors and Steering Committee on what agricultural extension looks like for producers today and how support could best be delivered. The onset of the second year required creating and implementing strategic plans, communications plans, monitoring and evaluation plans and the Producer & Advisor Tracking database. In the last year and a half, KBFA has seen significant growth in producer engagement. Now in its third year, KBFA is also a much more efficient and streamlined program which is expected to result in lower contract costs if the program continues.

ANALYSIS

Representatives from the three regional districts met with Lana Popham, Minister of Agriculture at the 2019 UBCM conference. An overview of KBFA's performance was provided, as well as the funding that has been committed by the four partners. The Ministry was requested to provide \$100,000 in funding and the four partners would each contribute \$30,000 to fund approximately fifty percent of the program. The Regional District of East Kootenay would continue to act as the lead on KBFA and manage the contract. There has been no financial commitment from the Ministry of Agriculture to date.

The Regional Districts of Kootenay Boundary and Central Kootenay and the Columbia Basin Trust have expressed interest in continuing to proceed with KBFA services. Each partner is requesting a funding amount up to \$60,000 from their respective Boards. However, realizing there will be approximately \$120,000 surplus from the original three year contract within the current budget and that a new contract will likely be lower than the original, it is expected that there will be no additional cost to RDEK in 2020 and less than the full \$60,000/yr will be required going forward.

Resolutions from the four partner's respective Boards supporting funding will demonstrate to the Ministry of Agriculture our continued commitment to the program.

Since KBFA's inception in June 2017:

- 1785 producer/advisor interactions
- 522 farms have connected with KBFA
- 253 farm visits
- 50 KBFA hosted webinars/workshops/seminars/on farm training
- 800 attendees at the above events
- 45 producer/agriculture meetings attended by KBFA (ex. WDFI, KLA)
- 308 instances of outside expert resources
- 15 farm-to-farm connections
- 1000 subscribers to KBFA's quarterly newsletter "Kootenay Farmer"
- 426 followers on Instagram

KBFA is also involved in two research projects:

- BC Forage Council Soil Carbon Project: BC Forage Council is working with 4 farms in the Boundary, 3 farms in the East Kootenay and 1 in the Central Kootenay.
- Farm Adaptation Innovator Program: Dr. Catherine Tarasoff is leading this project and working with one producer in each Regional District to research yield, soil health and water conservation.

SPECIFIC CONSIDERATIONS

Regional Sustainability Strategy

Agriculture

9.3.5 Agricultural Planning

Support for the local food industry and agricultural resources will be provided through the implementation of relevant plans and the supporting policies and actions.

Strategic Priority

The Agricultural Plan Implementation is a current priority project.

RDEK Agricultural Plan

The RDEK Agricultural Plan recommended recruiting an Agricultural Liaison Officer for a three year “pilot” period with the primary responsibility of implementing the strategies and recommendations within the plan.

Official Community Plan

Encouraging preservation of agricultural land for present and future food production, supporting agriculture, local food production, local distribution of food products and diversification of agricultural uses is an objective within all Regional District Official Community Plans.

More current plans, such as the Steeples and Elk Valley Official Community Plan contain specific policies supporting the implementation of the Regional District Agricultural Plan.

Previous Board Action

On June 8, 2018 the Board adopted Resolution 47792:

THAT the contract with Keefer Ecological Services Ltd. for Kootenay and Boundary Farm Advisors be extended for two years ending June 15, 2020.

On May 6, 2016 the Board adopted Resolution 46208:

THAT the RDEK participate in the Kootenay Agricultural Liaison Services project with Regional District of Central Kootenay, Regional District of Kootenay Boundary and Columbia Basin Trust; and further, that:

- a. Michele Bates and Andrew McLeod be appointed to represent the RDEK on the Kootenay Agricultural Liaison Services steering committee; and,
- b. A Request for Proposals be issued consistent with the project goals and directives contained in the April 27, 2016 memo from staff.

On August 7, 2015 the Board adopted Resolution 45474:

THAT Columbia Basin Trust, Regional District of Central Kootenay and Regional District of Kootenay Boundary be formally requested to assist with development of a proposal for a shared Agricultural Liaison Officer for the Columbia Basin.

Financial – Budget

KBFA's contract terminates on June 30th, 2020. A Request for Proposal will be necessary. The contract budget will be divided amongst the participating partners and will not exceed a cost of \$60,000 to the Regional District.

Request for Decision

File No: P 106 512

Date February 13, 2020
Author Kris Belanger
Subject Columbia Lake Management Plan

REQUEST

Authorization to prepare a new Columbia Lake Management Plan as outlined in this Request for Decision.

OPTIONS

1. THAT preparation of the Columbia Lake Management Plan proceed generally as outlined in the February 13, 2020 Request for Decision.
2. THAT preparation of the Columbia Lake Management Plan proceed as directed by the Board.
3. THAT no further work on the Columbia Lake Management Plan proceed at this time.

RECOMMENDATION

Option 1

BACKGROUND

Staff is prepared to proceed with a review and update of the Columbia Lake Management Plan, identified as one of the Boards 2020 strategic priorities.

ANALYSIS

The Columbia Lake Management Strategy was produced by Urban Systems with the assistance of Agra Earth and Environmental in 1997. Since 1997 land around Columbia Lake has seen residential development, conservation initiatives and updated land use plans adopted by the Village of Canal Flats and the RDEK.

Administratively, Columbia Lake falls within both the RDEK and the Village of Canal Flats boundaries. The Fairmont Hot Springs and Columbia Lake Area OCP and the Village of Canal Flats OCP both contain policies supporting an update of the 1997 Columbia Lake Management Strategy.

The RDEK will lead the process to develop a new Columbia Lake Management Plan with the goal of producing a plan that will be adopted as policy by the RDEK and the Village of Canal Flats. A presentation to Village of Canal Flats Mayor and Council will be made in March to introduce the process and invite them to participate at their chosen capacity.

The plan will be developed through a collaborative process involving input from a technical committee and the public. The purpose of the technical committee is to provide operational and management perspectives from government. Invitations to participate on the technical committee will be extended to staff from the Ktunaxa, Shuswap, a variety of Provincial agencies and the Village of Canal Flats.

The Columbia Lake Stewardship Society (CLSS) is a citizen-based group with representation from communities around Columbia Lake interested in stewardship of Columbia Lake. The CLSS prepares annual reports summarizing water quality and quantity data they collect. In order to develop a robust understanding of the current state of water quality and quantity for Columbia Lake, the CLSS will be invited to present to the technical committee.

SPECIFIC CONSIDERATIONS

Regional Sustainability Strategy

Planning

6.3.3 Partnerships

Strong interagency partnerships will be developed to assist with policy development and support the implementation of plans.

Strategic Priority

The Columbia Lake Management Plan is included on the Priority Project list.

Policy

(Resolution No. 28302, 01/1998)

That the recommendations set out in Section III of the Columbia Lake Management Strategy dated August 1997 be adopted as policy with the exception of the Boating Recommendation outlined in Subsection 3.7.1 which is amended to be consistent with the 10 horsepower restriction recently implemented as part of the Columbia Wetlands Wildlife Management Area Regulation, and that the RDEK Planning Department initiate the formation of a Citizen Steering Committee and apply for a 10 horsepower boating restriction.

Upon adoption of the Columbia Lake Management Plan, the above referenced policy will be rescinded and replaced to reflect updated management strategy recommendations.

Official Community Plan

Undertaking a process to create an updated Columbia Lake Management Plan is supported in both RDEK and Village of Canal Flats OCP's:

Fairmont Hot Springs and Columbia Lake Area OCP (2017)

Columbia Lake Policies

11.3 (10) A review and update of the Columbia Lake Management Strategy (1997) is supported.

Village of Canal Flats OCP (2019)

Environmental Policies

- 3.1.6 Participate with local municipal partners including the Regional District of East Kootenay (RDEK) to review and update the Columbia Lake Management Strategy (1997).

Financial – Budget

The budget for this plan is included in the current year financial plan. Costs outside of staff time are generally related to community consultation, communications and advertising.

Public Engagement and Communications

Public engagement will be ongoing throughout the Columbia Lake Management Plan process. The public will be engaged through public meetings and using the online engage@rdek.bc.ca platform. The Communications department will take a lead role in developing press releases, mail outs, managing social media and adding graphic design to presentation material and the final report.

Assembling a technical committee is anticipated during this planning process. The purpose of the technical committee will be to provide professional input on the project and will be made up of land managers and from government and First Nations. Since the technical committee is essentially an invited peer network, selection will not need to be authorized by Board such as when selecting a group from public expressions of interest.

A preliminary general timeline for the project is:

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Project Kick Off			X									
Establish AG			X									
Background Info Prep			X	X	X							
AG mtg 1					X							
Public mtg 1					X							
Canal Days						X						
Prep mgmt options						X	X					
AG mtg 2							X					
Public mtg 2							X					
Fairmont Farmers Market							X	X				
Draft Plan								X	X	X		
Public Open House to Present Plan										X		
Final Draft to Board/ Council											X	

First Nations Partnership

Because Columbia Lake is within the unceded traditional territories of the Ktunaxa and Shuswap First Nations and has spiritual, economic and political significance, representatives from both Nations will be requested to be part of the technical committee.

Request for Decision

File No: P 108 510

Date March 3, 2020
Author Karen MacLeod, Planning Coordinator
Subject Proposed Lake Windermere Groyne Navigation Markers

REQUEST

Consider the proposed installation of Navigation Marker Piles for the Lake Windermere Groyne.

OPTIONS

1. THAT Public Services and Procurement Canada be advised that the RDEK supports the proposed installation of Marker Piles for the Lake Windermere Groyne as outlined in the January 2020 correspondence.
2. THAT Public Services and Procurement Canada be advised that the RDEK does not support the proposed installation of Marker Piles for the Lake Windermere Groyne as outlined in the January 2020 correspondence.
3. THAT Public Services and Procurement Canada be advised that while the installation of permanent navigation markers for the Lake Windermere Groyne is generally supported that the RDEK has concerns about the timing and short duration of the engagement opportunity, the aesthetic impact of the proposed pile markers and lack of information provided with regard to alternative options and environmental considerations of the proposed works.

RECOMMENDATION

Option 3.

BACKGROUND/ANALYSIS

The Lake Windermere groyne (or weir) is located at the north end of the lake as it narrows into the Columbia River channel. The groyne narrows the navigable portion of the channel for motorized watercraft to the far eastern extent of the channel. Seasonal fluctuations in water levels can make the rocks and old marker piles difficult to see and the groyne is a known hazard for experienced boaters on the lake. In recognition of the hazard informal signs and buoys have been placed to identify portions of the groyne by local user groups.

Public Services and Procurement Canada (PSPC) is proposing the permanent installation of a single line of untreated wood marker piles spaced at 20 metre intervals along the 200 m expanse of the groyne. The western extent of the navigation channel is proposed to be marked with a red triangular day beacon to ensure visibility for travel from both directions. The correspondence identifies that the proposed works has considered minimizing annual maintenance costs and opportunities for protection of aquatic habitat. The installation of the marker piles was originally scheduled for summer 2019, but was deferred to allow for engagement with First Nations, local government and interested local organizations.

As a known boating hazard the installation of permanent hazard markers is desirable. Permanent markers would ensure that all boaters are aware of the presence of the groyne. As presented by PSPC, the information package received only presents the preferred option for the markers with an assurance that due diligence will be undertaken from an environmental perspective. The present 'engagement' opportunity does not allow for stakeholders to provide comment on the preferred type of navigation marker in consideration of local concerns or aesthetic considerations, nor does it provide information on environmental impacts or mitigation opportunities. The current engagement process is more reflective of a 'notification of proposed works' than a meaningful opportunity for stakeholders to provide comment on the appropriate navigation markers based on social, environmental and aesthetic considerations for Lake Windermere.

CONSULTATION

Advisory Planning Commission F & G

The APC reviewed the referral as an information item and discussed alternatives to the proposed markers and the aesthetics of the proposed piles.

Lake Windermere Management Committee (LWMC)

The Lake Windermere Ambassadors in their role as LWMC provided the following comments:

- Aesthetics of the project in a part of our community, also the entrance to Invermere, that is currently undergoing a project to clean up the area and make it a more desirable neighborhood.
- In the price analysis has the lifespan of an untreated wood (Douglas Fir or Larch as indicated in the cancelled project) pile marking in water been considered?
- We have not been given access to any of the environmental analysis documents as are referenced several times in the plan. While we understand an Environmental Assessment was not deemed necessary for this project we would like access to review what considerations were taken when deciding on this plan
- In the reports provided we were not given adequate information on all the options considered (removal, alternative markings) to fully understand and make an informed opinion on which method would be best. We would request further information on research completed in this project
- Under proposed work 'To alert boaters to the western side of the navigation channel, the eastern pile will include a red triangular day beacon, visible whether approaching upstream or downstream'. While difficult to understand I don't believe this conveys the correct placement of the project, safe passage is provided on the eastern side of the groyne.
- The proposed project is very dismissive of annually removed markings, while this is what occurs with every other marking on Lake Windermere. For example, the Ambassadors have three buoys in the Taynton Bay area to indicate a Slow/No Wake zone that we install every spring and remove every fall.
- Many residents around Lake Windermere are seasonal residents, requesting all input before the end of February will not capture this larger audience who will be greatly affected by the project and deserve a chance to have their voices heard.
- One of the Shuswap Councilors also expressed concerns that they are expecting to be engaged but have not yet, they have concerns related regarding the potential impact to the historical salmon beds that fall immediately downstream from the project location.

The Lake Windermere Ambassadors have independently forwarded the above comments to PSPC in response to the referral.

District of Invermere

The District of Invermere's Council also received the PSPC letter and has passed the following resolution:

Resolution #20-0208

BE IT RESOLVED THAT Council receives Public Service and Procurement Canada's letter and additional information for Council's review and consideration with respect to the proposal of permanent installation of marker piles along the Lake Windermere Groyne;

AND THAT Council receives and supports the review comments made by the Lake Windermere Ambassadors regarding the marker pile installation;

AND FURTHER THAT Council direct Staff to respond to PSPC indicating support of the Lake Windermere Ambassadors comments.

SPECIFIC CONSIDERATIONS

Lake Windermere Management Plan

Goal 2: Ensure the continuation of diverse and safe recreational opportunities.

- Ensure that a range of motorized and non-motorized activities can safely occur on the lake.
- Encourage and promote safe boating practices and codes of conduct.

Goal 3: Encourage and support the development of a community that will work together to respect and balance the various interests on the lake.

- Continue to involve the public in planning and management processes.

Attachments

- Public Works & Procurement Services Letter
- Appendix A - Proposal Summary
- Construction Plans

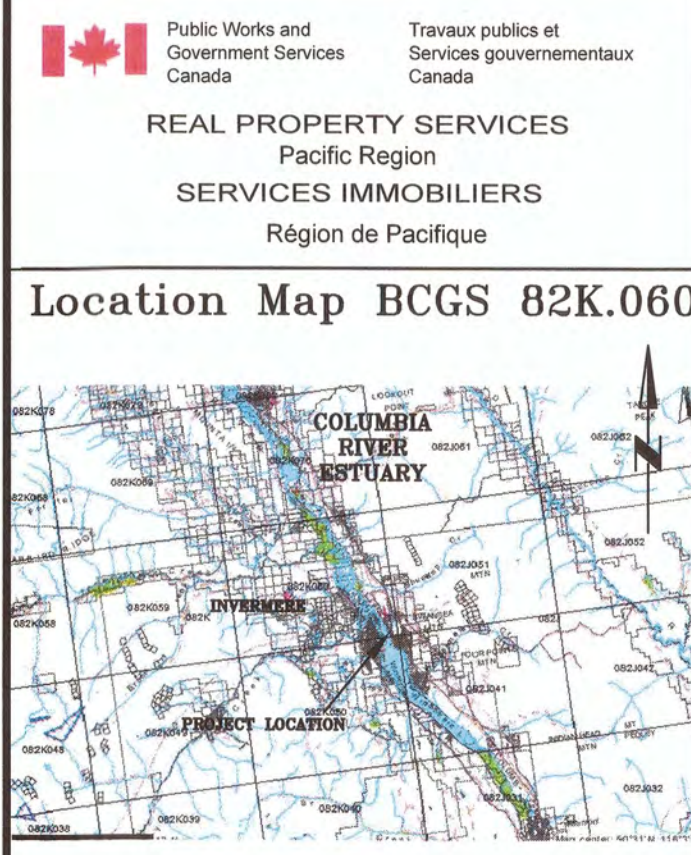
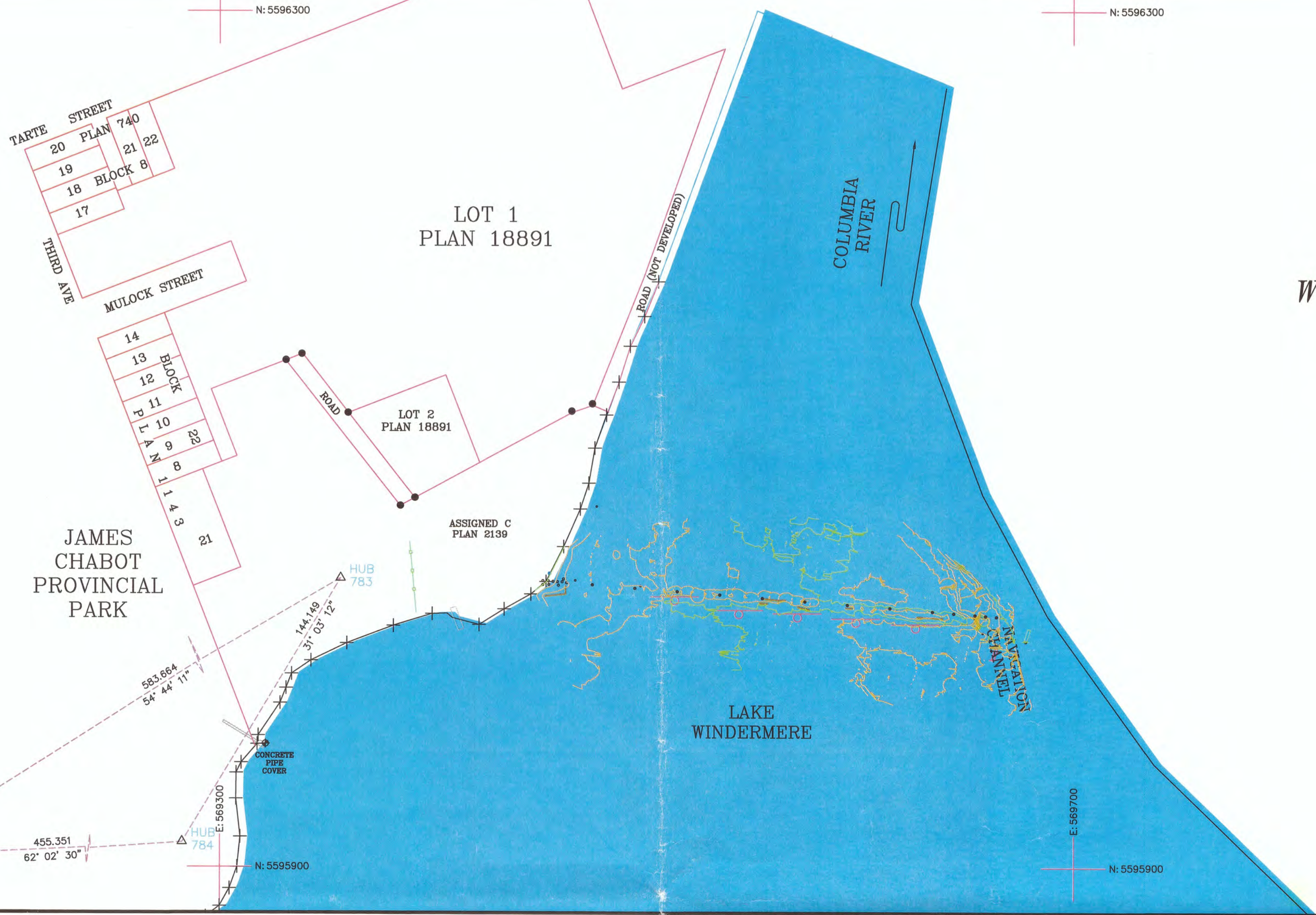
Topographic Plan of the Lake Windermere Groyne

Invermere, British Columbia.
B.C.G.S. 82K.060

Scale 1:1500
All distances are in metres

Legend:
● STANDARD IRON POST FOUND
▲ CONTROL POINT SET
● ACTIVE CONTROL POINT
● BM SET
● UNMARKED MEASURED POINT
— PROPERTY LINES
— MAJOR CONTOUR
— MINOR CONTOUR
— SIGN
— SPAR BUOY

Control Points NAD83 (CSRS) UTM 11 ELEVATIONS ARE ORTHOMETRIC (CGVD28)				
Point #	Northing	Easting	Elevation	Description
783	5596034.92	569356.65	800.38	HUB
784	5595911.48	569282.32	800.89	HUB



Bearings are Grid, and Derived from Dual Frequency Differential GPS Observations Between Hub (753) and Hub (754) and Invermere Active Control Point (GCM 164418) and Referenced to the 117th Meridian.

Elevations are derived from GPS observations and are Orthometric and are Referenced to Canadian Geodetic Vertical Datum 1928 (Ht2.0). All Distances are Ground Unless Otherwise Noted. To Calculate Grid distance, Multiply by the Combined Scale Factor 0.99953610

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Date of Survey Sept 21-22, 2010 By I.R.Robertson, BCLS
SF#3249.00, FB#21, Pg 63-71

The Intended Plot Size of this Plan is 594MM by 841 mm

5		
4		
3		
2		
1		
0	ISSUED FOR TENDER	Aug. 10, 2018
Revision/Revision	Description/Description	Date/Date
Client/client		
Project		

Project title/Titre du projet

Lake Windermere Groyne Marker Pile Installation

Consultant Signature Only

Designed by/Concept par Mark Burger

Drawn by/Dessiné par WSL

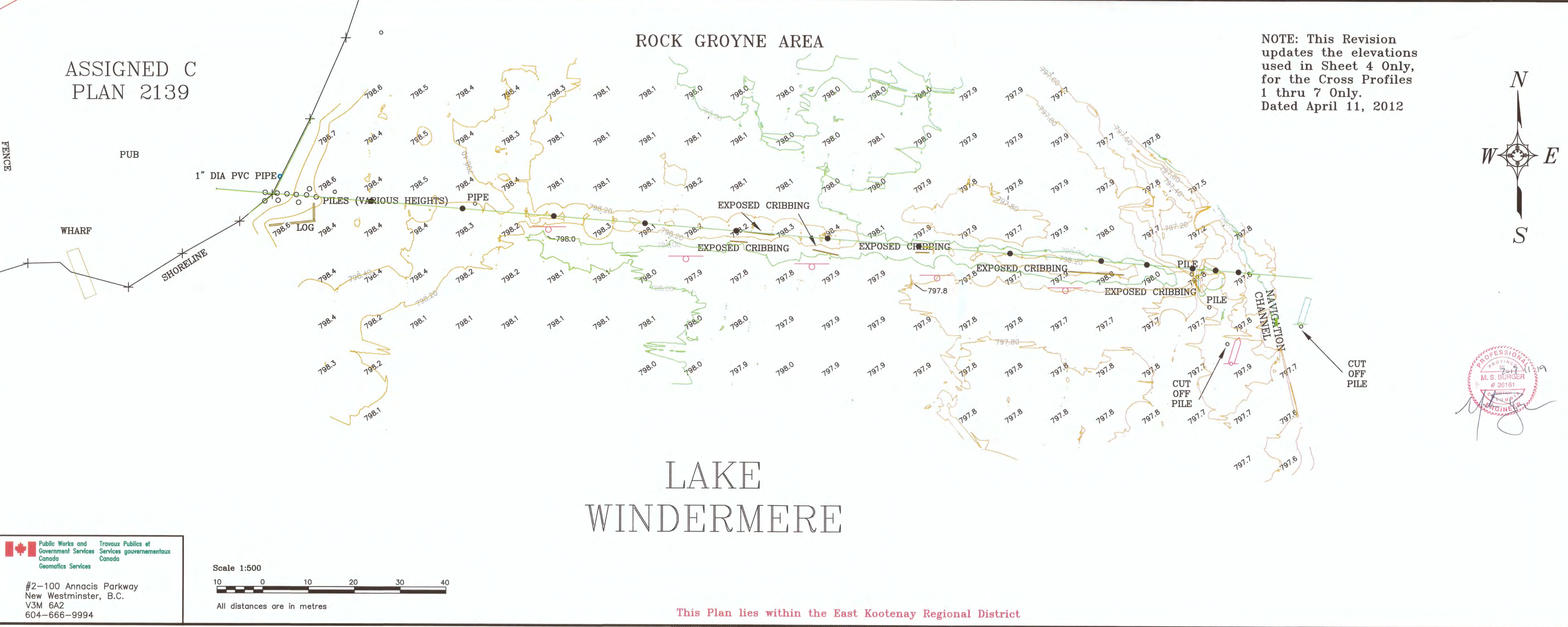
PWGSC Project Manager/Administrateur de Projets TP5GC ALENA MIKULICA

Regional Manager, Architectural and Engineering Services Gestionnaire régional, Services d'architecture et de génie, TP5GC

Drawing title/Titre du dessin

Sounding Plan

Project No./No. du projet	Sheet/Feuille	Revision no./La Revision no.
R.074582.003	1 of 2	0



NOTE: This Revision updates the elevations used in Sheet 4 Only, for the Cross Profiles 1 thru 7 Only. Dated April 11, 2012

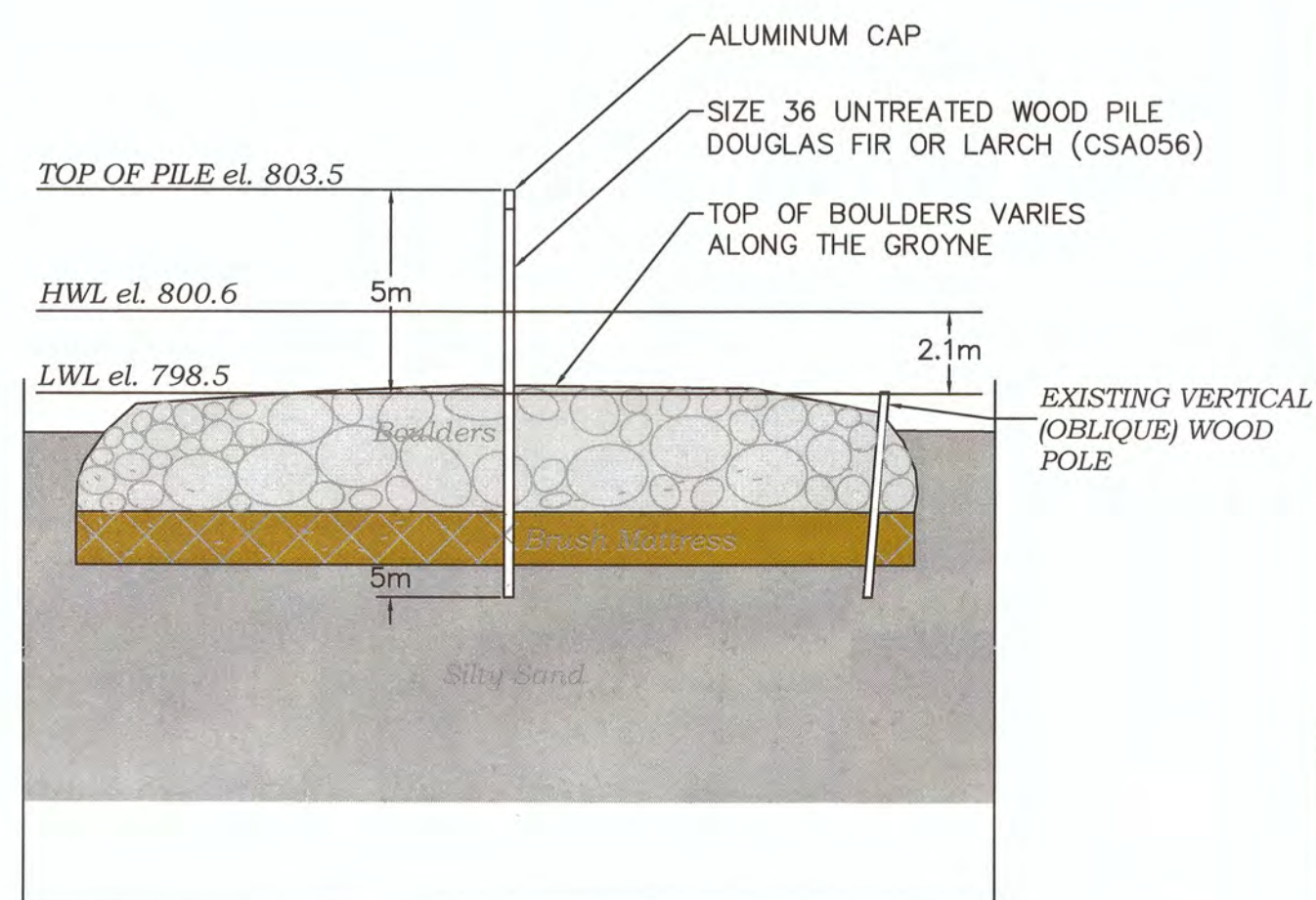
Public Works and Government Services Canada
Travaux Publics et Services gouvernementaux Canada
#2-100 Annacis Parkway
New Westminster, B.C.
V3M 6A2
604-666-9994

Scale 1:500
All distances are in metres

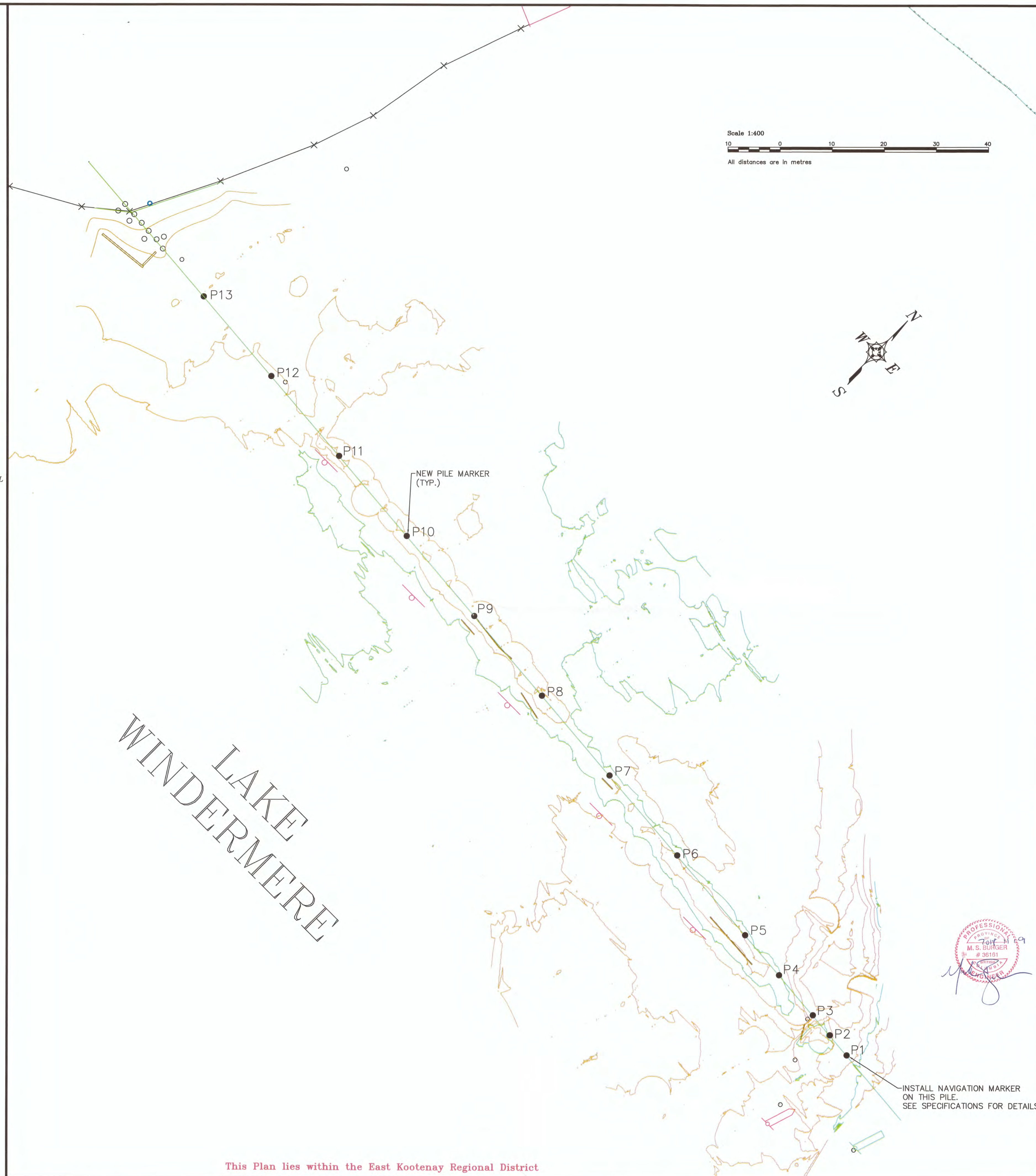
This Plan lies within the East Kootenay Regional District

PROPOSED PILE MARKER LOCATIONS

PILE #	NORTHING	EASTING
P1	5596017.221	569663.810
P2	5596017.611	569658.825
P3	5596018.001	569653.840
P4	5596018.781	569643.871
P5	5596019.562	569633.901
P6	5596021.123	569613.962
P7	5596022.683	569594.023
P8	5596024.244	569574.084
P9	5596025.805	569554.145
P10	5596027.365	569534.206
P11	5596028.926	569514.267
P12	5596030.487	569494.328
P13	5596032.047	569474.389



TYPICAL PILE MARKER CROSS SECTION
NTS



This Plan lies within the East Kootenay Regional District.



SENT BY E-MAIL

Regional District of East Kootenay
19-24th Avenue South,
Cranbrook, BC, V1C 3H8

Attention: Regional District of East Kootenay

Re: Lake Windermere Groyne, Invermere, B.C.
Proposed Installation of Marker Piles

Date: 28 January, 2020

Dear Recipient,

This letter is a follow-up to the correspondence that was sent on September 30, 2019 to inform you that the construction work proposed for 2019 to install marker piles along the Lake Windermere Groyne (LWG) was cancelled due to concerns expressed by community groups.

Before proceeding with any future plans for the LWG, Public Services and Procurement Canada (PSPC) wishes to first provide you with information about the proposed installation of marker piles along the LWG, and would appreciate your comments and concerns. The input received from you and other interested parties will be considered and incorporated into PSPC's future plans for the LWG.

Background

The LWG is in the Public Services and Procurement Canada (PSPC) asset inventory. The LWG was constructed in the 1880s to assist steamer navigation on the Columbia River System but is no longer required. The structure remains as a low mound of rock about 0.4 m above the shallows at the north end of the lake and is currently unmarked. In order to provide a long-term solution for the safety of boaters and other users of the lake, PSPC proposed the use of marker piles to mark the LWG and obtained regulatory approval of the proposed work.

Proposed Work

PSPC is proposing a single line of untreated wood piles driven into the LWG, extending about 200 m from the east end of the LWG and ending near the western shore, as shown in the attached plan. The piles will extend about 5 m above the low water level (winter), but at high water (typically summer) they will extend about 3 m above the water level. The spacing between piles is typically 20 m apart. Maximum diameter of each pile is 36 cm. To alert boaters to the western side of the navigation channel, the eastern pile will include a red triangular daybeacon, visible whether approaching upstream or downstream.

PSPC has obtained recommendations and an environmental monitoring plan to protect the aquatic habitat. It is planned to have a consultant on site during construction for environmental monitoring. All work is to be carried out using Best Management Practices during the environmental least risk window of July 15 to August 31.

The contractor who will carry out the work will be chosen by public tender. The contractor will be responsible for access to the site, and will be required to get permission from the owners of any land they propose to use during construction.

For additional details about the background of the LWG and the proposed marker project, please refer to *Appendix A*, included with this letter. We welcome your input and any comments you may have, including alternate means of marking. Please address your input by email to neda.naderi@pwgsc-tpsgc.gc.ca or by regular mail to me as below.

We would appreciate receiving your input by 28 February, 2020.

We thank you in advance for your response.

Regards,

A handwritten signature in cursive script that reads "Neda Naderi".

Neda Naderi, BA
Project Manager, Professional and Technical Services
Public Services and Procurement Canada, Government of Canada
#219 – 800 Burrard Street, Vancouver, B.C., V6Z 0B9

Attachments:

Construction plans, most recent revision dated 2018 08 10, sheet 1 and 2 of 2
Appendix A: Proposed Installation of marker piles and summary of background.



Lake Windermere Groyne, Invermere, B.C.

Appendix A - Proposed Installation of Marker Piles and Summary of Background

This document provides an update on the status of the Lake Windermere Groyne (LWG), and provides detailed information about the proposed installation of marker piles along the groyne.

Background

As part of PSPC's Wharf and Marine Structures Disposal Program between 2008 and 2011, the department held consultations to pursue the divestiture of the Lake Windermere Groyne (LWG). Contact was made with other federal departments, the Province, local governments, and First Nations to gauge their interest in taking responsibility for the structure. No organization was identified or came forward to take ownership of the LWG.

After it was determined that no organization would be taking ownership of the LWG, PSPC looked at options to remove the groyne or keep the status quo and leave the LWG in place. These options were reviewed with regulatory agencies. Environmental consultations identified concerns that removal would affect the lake's habitat. Leaving the groyne in place would include removal of debris and obsolete signage around the LWG, as well as the installation of year-round navigational markers along the LWG. Under environmental regulations, both options would require that the fish habitat be protected.

PSPC decided to leave the LWG in place and proceed with marking, but funding was not available at that time to proceed with the planned work. Therefore, minor work was conducted as required from 2013 -2018. This included reviewing draft plans and environmental assessments and routine visual inspections every one to two years to confirm no significant changes to the groyne structure. Preparatory work for marking was completed by mid-2018 and funds were made available in early 2019 to allow PSPC to proceed with tendering, which included the contract award to mark the LWG.

Work on this project has since been halted to allow for more engagement on the proposed marking project.

Proposed Work - Marking of the LWG

Marking of the LWG is proposed in response to concerns that the LWG is a potential navigation hazard for boats in the area where the north end of Lake Windermere becomes shallow and narrows into the Columbia River.

Over the years, a number of local groups have on their own initiative marked the LWG. These markings have included floating markers (buoys) held in place by some type of anchors, and signs on metal posts. PSPC understands that each of these methods requires re-installation or maintenance efforts each spring as water levels rise and the boating season begins.

Options and Considerations:

- Marker buoys (a string of red cylindrical buoys anchored in place), marker posts, or marker piles could be placed along the LWG to show its extent. Any of these would have to be designed to withstand the full range of wind, waves, and ice movement at the LWG throughout the year; or, to a standard adequate for the navigation season (early spring through late fall) but removed and re-installed annually.

- Evaluation of these options identified that buoys or marker posts would require removal and re-installation annually. Single marker piles would withstand conditions expected throughout the year without annual removal and re-installation.
- While the initial cost of installing marker piles is higher than installing buoys or marker posts, the annual removal and re-installation cost of those options make them significantly more expensive than marker piles on a life-cycle basis.
- Marker buoys or posts would require in-water work which would need to be carried out during the environmentally sensitive early-spring and late-fall periods. Marker piles may be installed during mid-July to end of August, which is the least risk window, and they do not require annual in-water work after installation.

Proposed Design Details and Installation Requirements:

Detailed design, environmental assessment, and regulatory agency referrals were carried out for the marker pile option. The proposal to use marker piles to mark LWG was made to Transport Canada's Navigation Protection Program, to Water Sustainability Regulation of the province of B.C. and to Fisheries and Oceans Canada. The proposed marking was by a line of 13 single piles, spaced 20 m apart, with a navigation marker at the east end beside the navigation channel. Concurrences were obtained from these agencies and identified the least risk environmental window for the work to be carried out between July 15 and August 31.

Ongoing Responsibility:

While the LWG is under PSPC responsibility, the department has an obligation to monitor the asset condition and potential liability arising from changes in the structure, in usage of the area, and in regulatory requirements.

Engagement Process:

PSPC will be engaging with Indigenous groups in the area, the Regional District of East Kootenay, the District of Invermere, local community groups and individuals who have previously indicated an interest in LWG.